
PARCEL TO PARCEL LINKAGE

PROJECT 1

KINGSTON-BEDFORD / ESSEX
& PARCEL 18

**CHALLENGE
TRACK**

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The Challenge Track is a means of accelerating the development process for the Parcel 18 and Kingston-Bedford Essex projects while providing an opportunity to increase the amount of community benefits and maintaining appropriately scaled development. It allows the winner of the RFQ phase to secure a stronger equity position and gain management control of the projects. By eliminating the need to issue a Request for Proposals, the Challenge Track also simplifies the development approval process and facilitates ground-breaking in the Spring of 1988. Under the Challenge Track, the first phase buildings could be ready for occupancy in the last quarter of 1990, a time which the city considers more advantageous for the program.

As originally formulated, this approach establishes five criteria which must be satisfied to obtain tentative designation as developer of both projects:

- o Expansion of the minority and community participation in the venture;
- o Development of a detailed and comprehensive community benefits plan;
- o Development of a feasible housing creation and production plan;
- o Submission of a development plan for each site that is sensitive to the neighborhoods and complies with city and state regulations; and
- o To the maximum extent feasible, the team should negotiate a financing plan with private investors that assures that the projects will be built; assures the financial viability of the projects; and vests management control with the community partners.

On June 25, 1987, the Board of the Boston Redevelopment Authority voted to adopt the Challenge Track and the designation of Columbia Plaza Associates as the winner of the Request for Qualifications phase. The recommendation was subsequently adopted by the Boards of the Public Facilities Department, the Real Property Department, and concurred in by the Massachusetts Bay Transportation Authority. With the endorsement of these government entities, Columbia Plaza Associates is thus offered the opportunity to pursue the Challenge Track. If Columbia Plaza Associates elects to do so, the team must satisfy the criteria outlined in this document within 120 days in order to receive tentative developer designation for the public parcels. The team will work with the Chinatown/South Cove Neighborhood Council, the Parcel 18+ Task Force and other community review groups to develop a proposal which meets the objectives of the Parcel to Parcel Linkage program. The community review process is outlined on pages 4-6.

At tentative designation, terms and conditions will be drafted to incorporate commitments made as a result of the Challenge Track, along with standard terms and conditions which govern the disposition of public parcels. In accordance with these standard procedures, the development team must receive both tentative and final developer designation prior to the transfer or lease of the property. Tentative designation initiates a review process during which the city works with the community and the development team to finalize the projects' financing, urban design, and community benefits program. Final designation and the subsequent transfer of property may occur once the review process is completed in accordance with the terms and conditions. Under existing procedures, tentative designation will require a vote by the BRA Board and concurrence by the participating public agencies.

BACKGROUND

With the goal of revitalizing the economy and improving the quality of life in the Roxbury and Chinatown neighborhoods, the first project in the Parcel 18 Linkage Program has progressed through a comprehensive and broad-based community planning and review process. The Parcel 18 Task Force and Chinatown/South Cove Neighborhood Council have worked with city and state representatives through over 700 hours of meetings. This community input has contributed to identifying all aspects of the Parcel 18 Parcel 18 Linkage program. Community involvement in the Parcel 18/Linkage-Sedford Essex project to date has included:

II. COMMUNITY REVIEW PROCESS

Concept Development: The Parcel 18 Task Force, the Roxbury CTR and Roxbury residents are among the stakeholders in the Parcel 18 Agreement governing the future disposition of Parcel 18 and a major downtown parcel. By Fall of 1993, negotiations were underway with the Chinatown/South Cove Neighborhood Council to provide the opportunity for proportional benefits to Chinatown.

Throughout the concept development process, the Parcel 18 Task Force and the Chinatown/South Cove Neighborhood Council have been the official community review entities for Roxbury and Chinatown. These groups advised the BSA on the issues to be addressed in the objectives set forth in the Interim Report and reviewed and submitted written comments on the Report. These comments were used to formulate the draft RPO.

RPO Process: The RPO process is the aspect of the project in which the community has been most involved. The draft RPO, incorporating comments from community representatives and a range of other interested parties, was distributed for review. During the comment period, written recommendations, suggestions and questions were submitted by the community review groups. These comments were then incorporated into the final RPO.

A review panel was established to facilitate the community review of the RPO. Representatives from the Parcel 18 Task Force and the Chinatown/South Cove Neighborhood Council, as well as from the MBTA, the BSA, the Real Property Department, the Governor's Office of Economic Development and the Executive Office of Transportation and Construction, heard presentations by each of the teams at a public meeting on February 12. Following this meeting, requests for clarification of the information presented by the two developers and in their initial submissions, were issued. This information formed the basis for the review panel used to narrow the field to three teams which met the criteria.

In March, the two community groups sponsored public meetings in Roxbury and Chinatown to which the three finalists were invited to present their qualifications. Following the meetings there was a two-week comment period. Questions submitted during the meeting and during the comment period were incorporated into a final request for clarification issued to the three finalists. Responses were received at the end of April.

BACKGROUND

With the goal of revitalizing the economies and improving the quality of life in the Roxbury and Chinatown neighborhoods, the first project in the Parcel to Parcel Linkage Program has progressed through a comprehensive and broad-based community planning and review process. The Parcel 18+ Task Force and Chinatown/South Cove Neighborhood Council have worked with city and state representatives through over 700 hours of meetings. This community input has contributed to strengthening all aspects of the Parcel to Parcel Linkage program. Community involvement in the Parcel 18/Kingston-Bedford Essex project to date has included:

Concept Development: Representatives of the Parcel 18+ Task Force, the Roxbury CDCs and Roxbury residents are among the signatories to the Parcel 18+ Agreement governing the linked disposition of Parcel 18 and a major downtown parcel. By Fall of 1985, negotiations were underway with the Chinatown/South Cove Neighborhood Council to provide the opportunity for proportionate benefits to Chinatown.

Throughout the concept development process, the Parcel 18+ Task Force and the Chinatown/South Cove Neighborhood Council have been the official community review entities for Roxbury and Chinatown. These groups advised the BRA on the issues to be addressed in the objectives set forth in Interim Report and reviewed and submitted written comments on the Report. These comments were used to formulate the draft RFQ.

RFQ Process: The RFQ process is the aspect of the project in which the communities have had the greatest input. The draft RFQ, incorporating comments from community representatives and a range of other interested parties, was itself distributed for comment. During the comment period, written recommendations, suggestions and questions were submitted by the community review groups. These comments were then incorporated into the final RFQ.

A review panel was established to facilitate the communities' reviews of the submissions. Representatives from the Parcel 18+ Task Force and the Chinatown/South Cove Neighborhood Council, as well as from the MBTA, the BRA, the Real Property Department, the Governor's Office of Economic Development, and the Executive Office of Transportation and Construction, heard presentations by each of the teams at a public meeting on February 12. Following this meeting, requests for clarification of the information presented by the five developers orally and in their initial submissions, were issued. This information formed the data base that was used to narrow the field to three teams which best met the criteria.

In March, the two community groups sponsored public meetings in Roxbury and Chinatown to which the three finalists were invited to present their qualifications. Following the meetings there was a two week comment period. Questions obtained during the meeting and during the comment period were incorporated into a second request for clarification issued to the three finalists. Responses were received at the end of April.

During this period the Task Force and the Neighborhood Council representatives attended panel meetings to discuss their independent analyses of the team's qualifications and the analyses prepared by BRA staff. These groups also brought to the meetings the concerns raised in their communities, and took back to the communities the latest information about the evolving process.

At the May 14 meeting of the panel, the two communities submitted their recommendations for an RFQ winner. These recommendations, along with that of the BRA staff, were incorporated into the Director's Report submitted to the BRA Board.

Environmental Review: The environmental review process officially began in June 30, 1986, when Environmental Notification Forms were submitted to the Executive Office of Environmental Affairs. The ENFs were specially drafted to include concerns that had been raised by the Chinatown and Roxbury communities in comments on the Interim Report and the draft RFQ.

Scoping sessions were held in Roxbury and Chinatown in July and August. An important part of the advertisement of the meeting was distribution of a newsletter which gave an overview and update on the progress of the Parcel to Parcel Linkage Program, and explained the terminology and process of environmental review.

At the scoping sessions, residents raised a variety of issues which were used by the Massachusetts Environmental Protection Agency (MEPA) to establish the scope of the review. A number of letters from residents were attached to the comment letter issued by the MEPA office.

The BRA has hired consultants to conduct the review and write the Environmental Impact Report. Preliminary drafts of this document have been submitted to the communities for their review. Particular focus has been on the socio-economic impacts section of the report, which deals with issues such as displacement and standard of living and outlines existing and proposed policies and programs to mitigate adverse impacts of the development. The Draft Environmental Impact Report, when completed, will be distributed for comment and a public hearing will be held. These comments will be used to complete the Final Environmental Impact Report.

Developer Selection: The community has been involved in selection of a development team through parallel processes:

- o Direct input through three public presentations of the developers' proposals and the distribution of materials submitted by the competing teams. A comment period for these presentations extended through April 14, 1987.
- o Representation of Roxbury and Chinatown on the Review Panel. Representatives of the Chinatown/South Cove Council and the Parcel 18+ Task Force were members of the panel and gave input on their respective community's views. The primary role of the Review Panel was to facilitate the community recommendation process for the Council and Task Force.

- o The Chinatown/South Cove Neighborhood Council and Parcel 18+ Task Force submitted their respective recommendations to the BRA on May 14, 1987.

COMMUNITY INVOLVEMENT IN THE CHALLENGE TRACK

The Parcel 18+ Task Force and the Chinatown/South Cove Neighborhood Council will continue to play a major role in shaping the community benefits and the design plans for both sites. The Parcel 18+ Task Force and the Chinatown/ South Cove Neighborhood Council already have done extensive work on employment, employment training, child care and other issues that will be used in the formulation of appropriate policies governing provision of these benefits to the communities. In particular, the following roles are envisioned for the Neighborhood Council and the Task Force:

- o The community review groups will work with the developers in the formulation and review of the housing production plans;
- o The communities will continue to be involved in the environmental review process. They will review all design plans and the draft and final environmental impact reports;
- o The communities will work with the development team in the formulation of plans to provide community benefits;
- o The review groups will also work with the public agencies in planning service programs for the provision of benefits.

The emphasis during the 120 day Challenge Track period will be on addressing the specific concerns raised by the Chinatown and Roxbury communities through their comments on the draft Challenge Track document. The BRA, with the communities, will identify a number of working committees that will deal in detail with issues pertaining to housing, employment, MBE participation, etc. There will be a core working committee with a membership consisting of representatives of the Parcel 18+ Task Force, the Chinatown Neighborhood Council, the BRA, the MBTA, the Governor's office for Economic Development, and the Columbia Plaza Associates. This working committee will set the agenda for subcommittee meetings that will focus on a particular issue. To these special focus sessions, experts in the particular field will be invited.

The working group will meet on a weekly or bi-weekly basis to negotiate the elements of the plans required by the Challenge Track criteria. The process will begin with a working committee meeting that will set the agenda for this process.

TEAM COMPOSITION

The Challenge Track requires expansion of the minority business and community economic participation in the venture. Sub-teams should be placed on building strength from other teams who responded to the SBC and from established, minority-owned organizations including the Minority CDC's to the Partner for agreement. The Challenge and Minority Communities Economic Participation should include investment in the venture by individuals and organizations. The team should provide a form of investment through an agreement or agreement of interest in the venture and Minority Communities Economic Participation.

III. CHALLENGE TRACK CRITERIA

Submission Requirements

- a. A copy of a corporate agreement or other legal documentation which clearly describes the composition of the project or the form of the entity, including names of members, including community organizations, the Minority CDC's, and other members, resident and business address, and the names of the individuals who are responsible for the project and the individuals who are responsible for the project and the individuals who are responsible for the project.
- b. An outline of the team structure and roles of the corporate and management structure, and highlighting the members of the team, giving their background, education, experience, and prior affiliation with the Challenge Track and the SBC competition.
- c. A personal financial disclosure statement for each person who will have a financial interest in the project.
- d. A Section 8(b) disclosure statement.

TEAM COMPOSITION

The Challenge Track requires expansion of the minority business and community economic participation in the venture. Emphasis should be placed on building strength from other teams who responded to the RFQ and from established community-based organizations including the signatory CDC's to the Parcel 18+ agreement, from the Chinatown and Roxbury communities. Economic participation should also include investment in the venture by individuals and organizations. The team should promote this form of investment through an aggressive campaign of education and solicitation in the Roxbury and Chinatown communities.

Submission Requirements

- o A copy of a partnership agreement or other legal documentation which clearly describes the composition of the partnership or other form of the entity, including names of members, including community organizations; the minority group of each member; residential and business addresses; relationship of members, including ownership share and decision-making responsibilities; and percentage of interest or method of participation by community organizations;
- o An outline of the team structure that indicates the corporate and management structure, and highlights new members of the team, giving their background, development-related experience, and prior affiliation with other entrants to the RFQ competition;
- o A personal financial disclosure statement for each person who will have a financial interest in the project.
- o A Section 40J disclosure statement. (Appendix I)

Submission Requirements

- a. The number of permanent and construction jobs the development is expected to generate.
- b. The amount of linkage to be contributed by the project and how much to be paid above the job training linkage contribution, including sources and timing of payments.
- c. The developers' plan for working with existing employer and training programs and employee referral programs to ensure that residents of the impacted communities receive fair consideration in hiring for jobs created by the development.

COMMUNITY BENEFITS PROGRAM

The Challenge Track requires the team to develop a comprehensive community benefits program that outlines in detail how this project will produce and deliver community benefits, including the following:

FUNDS FOR COMMUNITY DEVELOPMENT

The developer must describe how, and in what proportion to total project revenues, funds will be channelled to the impacted communities. The plan should address how to involve the community in an ongoing review of allocation decisions.

Submission Requirements

- o Method, amount and timing of capitalization, including dollar values where possible; and proposed management of the fund;
- o Proposed programming for the fund, including community input into program selection and allocation of funds, and mechanisms for generation/selection of programs to be funded.

EMPLOYMENT AND EMPLOYMENT TRAINING PROGRAMS

The developer will be expected to enter into residents construction and employment plans governing compliance with the resident, female and minority hiring requirements for construction and permanent jobs. (See Appendix A.) The developers should focus on strategies for creating employment and training opportunities beyond those to be funded through linkage.

To the extent feasible, community residents should be trained and considered for all levels of positions in the project. Skills Training should include English as a second language. Skills training must be offered that qualifies residents for the higher level positions offered by the project. Up-front funding must be provided to the extent possible so that residents can be prepared for jobs when the project comes on line. The team should submit a plan that includes the following elements:

Submission Requirements

- o The number of permanent and construction jobs the development is expected to generate.
- o The amount of linkage to be contributed by the project; and any monies to be paid above the job training linkage contribution, including sources and timing of payments.
- o The developers' plan for working with existing employment training programs and employee referral programs to ensure that residents of the impacted communities receive fair consideration in hiring for jobs created by the development.

- o Provisions for training for English as a second language.
- o Profile of potential tenants, including type of business, employee needs, and amount of space to be leased.
- o Timetables for planning and implementation of employment and employment training and related skills training programs;
- o Strategies for working with government and community-based organizations to identify, develop and maximize employment and training resources;
- o Proposed strategies for monitoring compliance with guidelines.

CHILD CARE

The developer is expected to address the need for child care with an innovative plan responsive to community needs. Strategies may include the provision of on- or off-site facilities, expansion of existing centers, and the establishment of new ones, program subsidies, and training for child care workers.

Submission Requirements

The developer should submit plans for on- or off-site child care facilities for the Downtown and Roxbury projects that describe:

- o The physical layout of the service that shows the location and size of the facility; the amount of open space; and compliance with regulations of State Office for Children.
- o An operations plan should address hours of operation; the provision for hiring of qualified care providers; funding sources; and management.
- o Other information should be provided to describe the proposed users of the facility (neighborhood residents, employees in development, Boston residents, etc.); the number of children to be served; and the level of affordability of service, including sources of subsidy.

ENTREPRENEURIAL OPPORTUNITIES FOR MINORITY BUSINESS ENTERPRISES

At least 30% of the goods, services, and construction contracts for this project must go to Minority Business Enterprises. MBEs who responded to the Request for Qualifications for participation in the MBE Clearinghouse Directory should be given initial notice of purchases of goods and services, and construction contracts.

To the extent feasible, local and displaced merchants should be given special consideration for space inside the development.

Developers should use reasonable efforts to provide business opportunities in the development to MBEs and small businesses. These may include: Incubator facilities, franchising opportunities, youth enterprises, mobile vendors where appropriate, concessions, and canteens.

Submission Requirements

The plan should describe:

- o Participation in this project by minority business enterprises for the purchase of goods and services, and construction contracts; plans for business development and incubator programs, including schedule for program initiation, location of facilities, space, resources to be committed.
- o Indication of which of the team's consultants are certified MBEs, the type of business, and the percentage or dollar amounts of goods, services or contracts to be spent with each consultant; the consultant should submit copies of the SOMBA Certification letter.

ADDITIONAL COMMUNITY BENEFITS

- o The plan should provide details about any additional services the developers will provide to the communities, including type of service; beneficiaries; method and amount of capitalization; timing; method of provision; community input into development, operation and management; and facilities, space or other resources to be provided.

AFFORDABLE HOUSING

The Challenge Track requires the team to develop a feasible housing creation and rehabilitation plan for each community that addresses the housing needs of each community. Strategies proposed should achieve levels of affordability adequate for residents of each community. Proposals should include rental and homeownership opportunities in both new construction and renovation projects as appropriate to each community. In addition, the plan should incorporate mechanisms, such as deed restrictions, for maintaining affordability over time. The housing creation plan for each community should consist of six basic elements:

- o Site Identification
- o Design
- o Development Costs
- o Financing and Affordability
- o Timing and Approvals
- o Compliance with City Policies
- o Community Process

Site Identification

Housing units may be created either on-site or off-site. Off-site units may be created on either publicly-owned parcels made available through the Boston Redevelopment Authority, Public Facilities Department or other public agency, or privately acquired parcels. At least twenty percent of off-site creation must be targeted to the impacted neighborhood.

Design

Where possible, describe the proposed design approach to housing creation (i.e., townhouses, mid-rise, etc.) with unit mix, size, and other features specified. Indicate conformity or lack of conformity with Interim Planning Overlay District guidelines and appropriate community planning standards.

Development Costs

A preliminary development and operation or sales pro forma should be submitted using the format included in Appendix F.

Financing and Affordability

Proposed financing for the housing should be described in sufficient detail to determine the feasibility of the proposed level of affordability. The levels of affordability proposed should enable existing residents of each community to qualify for the housing. Calculations should show a working knowledge of the use of existing housing financing programs. Where linkage funds are the proposed form of subsidy, plans must be in compliance with the Housing Creation Regulations of the Boston Redevelopment Authority and the Rules and Regulations of the Neighborhood Housing Trust. (See Appendix B.) Final approval of housing creation proposals using linkage funds rests with the Neighborhood Housing Trust and the Authority. SMSA income guidelines are included in Appendix E.

Timing and Approvals

A development schedule for the proposed housing should be included which indicates significant permits, application submission dates, review periods, and approval dates, construction start and completion, occupancy, etc. Relationships to the timing and financing of the commercial portion of the development should be made explicit.

Compliance with City Policies

Statements indicating an understanding and willingness to comply with city policies regarding fair housing, construction employment, permanent employment, and environmental impacts mitigation should be included.

Community Process

The developer should review the housing plan with the Chinatown Neighborhood Council and the Parcel 18+ Task Force. Community review shall include site selection, design review, management, and the tenant selection process.

Developer's Proposal

Project summary, including a description of proposed uses and building amenities, proposed construction schedule, and anticipated development schedule. Current and future plans for the site should be included in the proposal.

Design Submission

- a. A study model at a scale of 1/8" = 1'-0" or smaller, prepared in accordance with the guidelines of the City of San Francisco, showing the building's form, color, and materials. The model will be placed within a 12" x 12" x 12" box.
- b. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- c. A site plan at a scale of 1/8" = 1'-0" or smaller, showing the building's location on the site, the building's footprint, and the building's relationship to the surrounding context. The site plan will be placed within a 12" x 12" x 12" box.
- d. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- e. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- f. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- g. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- h. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
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- k. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- l. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
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- t. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- u. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- v. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- w. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- x. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- y. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.
- z. A perspective drawing of the building at a scale of 1/8" = 1'-0" or smaller, showing the building's form, color, and materials. The drawing will be placed within a 12" x 12" x 12" box.

DESIGN CRITERIA

The development plan for each site should be sensitive to the surrounding neighborhood and should comply with state and city regulations. The design guidelines contained herein are intended as first-stage guidelines and may be modified through the review process. This section is organized as follows:

- o General submission requirements for the two sites.
- o The development concept for the Kingston-Bedford Essex site.
- o The design guidelines for the Kingston-Bedford Essex site.
- o The development concept for Parcel 18.
- o The design guidelines for Parcel 18.

Background about the sites is contained in Appendices A and B.

Submission Requirements

Ten copies of each submission are required in an 8½"x11" format, and should include the following information.

Development Proposal

Project summary, including a description of proposed uses and public amenities, proposed ownership structure, and the anticipated development schedule. Current ownership and/or site control options for all parcels included in the proposal should be listed.

Design Submission

- o A study model at a scale of one inch to one hundred feet, prepared in sufficient detail to evaluate the relationships of height, mass, proportion, color and materials to surrounding buildings and spaces. The model will be placed within the BRA downtown model for evaluation.
- o Elevations of all facades within the context of 200 feet or the project site. The elevations must be in sufficient detail to examine the relationships of proposed and existing storefronts, window openings, cornice lines, and entrances. The scale of 1/16" to 1'-0" is requested.
- o Site plan(s) developed in sufficient detail at 1/8"-1'-0" to describe the character and scope of the proposal. The plan must include the first floor plan and should identify pedestrian routes through the complex as well as pedestrian, vehicular and services access. Landscaping, ground plane materials, and amenities (e.g., benches, lights) shall be indicated.
- o A building/site section at 1/8"-1'-0" scale illustrating the relation in scale and massing between the proposal and its existing adjacent development.
- o Eye-level perspective views from the corner of Tremont and Ruggles Streets looking north (Parcel 18) from Lincoln Street and the Surface Artery looking north (Kingston-Bedford).

- o Any additional plans, elevations and sections as may be required to explain the building's organization or relationship to its surroundings.
- o Description of the materials to be used for exterior facades and public spaces.

KINGSTON-BEDFORD/ESSEX DEVELOPMENT CONCEPT

On the downtown site, a mixed-use project is envisioned that would enliven the area beyond work day hours and would integrate activities on its various edges with office, hotel and housing above, and retail and public spaces at the street level. Substantial emphasis on the public realm is encouraged, with pedestrian connections through the project and well-designed interior and exterior public spaces. Recognition of the historic context is important in the design of the building, as well as in the treatment of public spaces. The creation of Proctor Square, at the intersection of Kingston and Bedford Streets, with public improvements and retention of views of the Proctor Building, will help to accomplish that objective. Programming, especially for street-level space, should meet the needs of Chinatown residents, shoppers, and office workers. In addition, the design should minimize adverse impacts on the environment, particularly with respect to wind levels, sunlight, and daylight.

Uses must include childcare facilities, retail, and other public activities at street level to animate the area and provide goods and services to people who live, work, and shop downtown. Because the roof top will offer a spectacular panorama of the city and the harbor, space at the top floor should be programmed with activities, such as restaurants and cultural facilities, that are accessible to the public. Subsurface public parking is required, that, at a minimum, replaces the spaces which currently exist on the site.

KINGSTON-BEDFORD/ESSEX URBAN DESIGN GUIDELINES

Program:

o Required Uses

- a. Retail, at grade level; entertainment and cultural uses may be located elsewhere in the development as long as the lobby and marques are on the ground level.
- b. Public parking spaces to replace those eliminated by the proposal and to satisfy the demand created by new development.
- c. Child-care facility to serve downtown workers and residents.
- d. Cultural or public entertainment use (4,000 sq.ft. min.) at rooftop level.

o Permitted Uses

Office, commercial, residential, hotel, and retail uses are permitted.

Density: The prescribed floor-area ratio (FAR) is 13 with a potential maximum floor area ratio of 15. These FAR standards are included in the Downtown Interim Overlay Planning District (IPOD) amendment to the Boston Zoning Code. The amendment specifies a base level for the density but allows the FAR to rise to 15 if the height and massing of the proposed project are consistent with the height and massing of other structures in the area, if the project is architecturally compatible with the area, and if the project benefits outweigh any burdens imposed. The final density of the project will also be determined through analyses of its environmental impacts in accordance with the environmental review process.

Height: The IPOD height limit range is 300-400 feet.

Building Massing: Building massing shall reflect the characteristic proportions and dimensions of the historic buildings in the surrounding Washington and Essex Street areas. Massing shall respond to the pattern of streets and blocks, and at a finer scale, to the pattern of alleys and pedestrianways. Setbacks and accentuated cornices shall be provided at upper floors to relate to and reinforce heights of existing buildings which contribute to the character of the district. In addition,

- o Articulated streetwalls are to be provided at the streetline to a height of 78 feet, so as to complete and define the space shaped by the streets.
- o Setbacks from the block frontage on Kingston, Bedford, Lincoln, and Essex Streets shall be at least 25 feet for all building elements higher than 78 feet.

- o Additional setbacks are required at heights that relate to nearby traditional buildings, e.g., 125, 155, 275 feet, to help articulate the building facades and break up the overall mass of the project.
- o A streetwall setback of 25 feet from the Kingston-Bedford corner is required to preserve a visual easement for the Proctor Building.
- o Organization of building massing shall reinforce a sense of orientation to the neighborhood.

Character: Materials and architectural details must enhance the historic character of the surrounding Washington and Essex Street areas. Light colored natural stone exterior materials are required. Details of fenestration, entries, rooftops, cornice lines, and other architectural features shall provide a sense of human scale and continuity with Boston's architectural heritage. In addition,

- o Punched window openings surrounded with masonry, as opposed to ribbon-windows or curtain-walls, are appropriate for the area.
- o Accentuated building entrances and well-detailed shop-fronts are required.

Pedestrian Spaces: Significant improvement to the pedestrian environment around and through the two-block site is required. Improvements include the closing of public streets to vehicular traffic and major enhancement of the character of these public spaces, as well as street and sidewalk upgrading at the periphery of the site, and public lobbies, arcades, and atria within the three parcels. Specific improvements that are required include:

- o Pedestrianization of Bedford Street between Lincoln and Kingston Streets with high-quality paving, lighting, street furniture, and graphics; glass coverings for this street based on existing architectural details are very desirable;
- o Special treatment of the Kingston-Bedford corner to enhance views of the landmark Proctor Building;
- o Major entrances to the development shall be provided to complement evolving circulation patterns in the area. Specifically, the following entrances are recommended:
 - corner of Kingston-Bedford Street
 - mid-block on Kingston Street
 - Essex Street
 - Bedford Street
 - Corner of Essex and Lincoln Streets
- o All major entrances shall be connected with mid-block public passageways.

Transportation:

- o Below grade servicing is required and may be provided from the development site under Bedford Street to the 99 Summer Street building where a knock-out panel has been provided in its basement. The Kingston-Bedford Garage floor elevations should be coordinated to enable centralized below grade servicing for 99 Summer Street as well as this site.
- o Sub-surface parking is required (see Appendix C).

The parcel's location and transportation attributes include its key position in relation to the regional mass transit and highway network, including the Massachusetts Turnpike, as well as its proximity to the Commercial District (only 2.2 miles) and Back Bay office markets. In view of these characteristics, Parcel 13 could become an office market that is competitive with suburban markets by developing modern office space at competitive rental rates. This would create a source of well-paying job opportunities and new investment that will help to strengthen the Roxbury neighborhood economy.

PARCEL 18 URBAN DESIGN CONCEPT

Parcel 18 represents a unique development opportunity to create a dynamic mixed-use urban center. This site is one of the few in Boston that has the physical and contextual features needed for this type of development. Among the most striking features are the parcel's size -- 5.6 acres -- and its location. Parcel 18's location on the Orange Line, and proximity to the Southwest Corridor transit improvements, will provide direct access for much of the Boston area population. The parcel's neighbors include Northeastern University, BHA Mission Hill housing, BHA Whittier Street housing, St. Cyprian's Church and the commercial/housing development along Tremont Street in the South End.

The parcel's locational and transportation attributes include its key location in relation to the regional mass transit and highway network, including the Massachusetts Turnpike; as well as its proximity to the Financial District (only 2.2 miles) and Back Bay office markets. In view of these characteristics, Parcel 18 could become an office market that is competitive with suburban markets by developing modern office space at competitive rental rates. This would create a source of well-paying job opportunities, and new investment that will help to strengthen the Roxbury neighborhood economy.

Building Height: The maximum building height shall be limited by the following: The maximum height for any building adjacent to Ruggles Street shall be seventy-eight feet (78').

Building Massing: The building massing shall reflect the scale of modern mid-scale commercial offices while relating to the proportions and dimensions of the existing adjacent residential and commercial buildings. Pedestrian and vehicular routes shall be incorporated into the site and through the site to connect Tremont Street and Columbus Avenue. These streets, in conjunction with public uses on the ground floor, are intended to create an active urban scale environment and prevent the building of a monolithic structure. Signage shall be sited to reinforce the streetwall along Tremont and Columbus and shall be set back above the predominant cornice height to minimize the impact of towers.

Buildings along Tremont and Columbus are required to include a streetwall at the street line of a maximum of 18 feet and not less than 12 feet. Along Tremont Street building mass above the cornice line shall be set back from the street line a minimum of 15 feet and along Columbus Avenue a minimum of twenty feet. Massing along cross streets shall have a minimum setback of 15 feet above the cornice line. Towers above the 18-foot cornice shall have an additional set back at 120 feet. Any development over the 18-foot cornice line shall be set back a minimum of 25 feet.

Pedestrian rights of way accessing the Ruggles Street Station shall be provided at a minimum along the existing MBTA Station concourse. Additional physical and visual amenities shall be provided as required.

Building Bulk: Gross floor area of the site is not to exceed 200,000 square feet.

PARCEL 18 URBAN DESIGN GUIDELINES

Parcel Area: The developer is encouraged to subdivide the site into workable parcels of 25,000 to 45,000 square feet. This will produce parcels of a scale similar to the local block sizes.

Uses: A mixed use development is required. The program shall include space for the following:

- o Street-level use shall be retail or, as the project is adjacent to the community, housing;
- o Upper floors may be residential, commercial office space, or a combination of these uses;
- o Commercial parking, preferably below grade, sufficient to serve demand generated by the project; and
- o Public uses including a daycare facility and public function space shall be included.

Building Height: The maximum allowable height above the sidewalk of any building element is two hundred twenty-five feet (225'). The maximum height for any building element adjacent to Ruggles Street is seventy-eight feet (78').

Building Massing: The building massing shall meet the needs of modern low scale commercial offices while relating to the proportions and dimensions of the existing adjacent residential and institutional buildings. Pedestrian and vehicular routes shall be incorporated for access to and through the site to connect Tremont Street and Columbus Avenue. These streets, in conjunction with public uses on the ground floor, are intended to create an active human scale environment and prevent the building of a monolithic structure. Buildings shall be sited to reinforce the streetwall along Tremont and Columbus and shall be set back above the predominate cornice height to minimize the impact of towers.

Buildings along Tremont and Columbus are required to include streetwalls at the street line of a maximum of 78 feet and not less than 48 feet. Along Tremont Street building mass above the cornice line shall be set back from the street line a minimum of 25 feet and along Columbus Avenue a minimum of twenty feet. Massing along cross streets shall have a minimum setback of 15 feet above the cornice line. Towers above the 78 feet base shall have an additional set back at 155 feet. Any development over the 78 feet cornice line shall be set back a minimum of 20 feet.

Pedestrian rights of way accessing the Ruggles Street Station shall be provided at a minimum along the existing MBTA Station concourse. Additional physical and visual easements shall be provided as required.

Building Bulk: Gross floor area of the site is not to exceed 860,000 square feet.

Character: Materials and architectural details must relate contextually to the adjacent masonry structures of the area. Darker-toned masonry materials can be used for the base of building, but vertical elements shall be of light colored natural stone materials. Details of fenestration, entries, rooftops, cornice lines, and other architectural features shall provide a sense of human scale and continuity with Boston's architectural heritage.

- o The first-floor cornice line, typical of historic buildings along Tremont and Columbus Streets should be accentuated in new development.
- o Flat rooftops on vertical elements above the 78' cornice line should be avoided. More traditionally articulated roofs are encouraged.
- o Punched window openings surrounded with masonry, as opposed to ribbon-windows or curtain-walls, are appropriate for the area.
- o Accentuated building entrances and well-detailed shop-fronts are required.

Pedestrian Spaces: Due to proximity to the Ruggles Station, considerable attention must be given to the pedestrian environment. Improvements must include pedestrian access from Tremont Street to the Ruggles Street concourse, and continuation through the site of the MDC Southwest Corridor linear park. Specific improvements required include:

- o A vehicular or pedestrian right-of-way extending Columbus Avenue must be provided. It must extend at least to the Ruggles Street Station concourse and the "kiss and ride", to garage(s) access points and terminate at Tremont Street.
- o Additional pedestrian or vehicular rights-of-way must be provided to connect Columbus Avenue with Tremont Street.
- o The MBTA pedestrian concourse must be extended to Tremont Street where it must be symbolically represented.
- o A major public open space must be created at the juncture of the extended Columbus Avenue and the MBTA pedestrian concourse.
- o The Southwest Corridor open space system must be accommodated in the site design. This includes a 30 foot easement for walking/running and biking connecting the linear park along Columbus Avenue to the major park across Ruggles Street.

Transportation:

- o Pedestrian entrances shall be provided on all public streets and open spaces. The incorporation of small retail establishments with direct access from the street is also encouraged to enliven the pedestrian environment.
- o Below grade parking and servicing is required. A system that allows integration of residential, office and general public spaces is encouraged.

- o Access to parking is to be from Columbus Avenue or new intermediate streets and must have a minimal visual and physical impact on the public facade.

- o Short-term, on-street parking is recommended as a buffer to pedestrians and for MBTA "kiss and ride" drop-off.

To the maximum extent feasible, the team should negotiate with a private investor a financing plan that assures that the projects will be built; and as the financial viability of the project and waste management control with the community partners.

With respect to initiation, the team must provide a presentation indicating progress from project initiation to the following submission requirements. Teams should be prepared to answer questions of interest from the public and other interested parties, but not provide the level of information required below for all projects indicating interest.

Submission Requirements

- a. Letter of Interest or other documentation (e.g., private investment) for construction and permanent financing.
- a. Description of the legal relationships between and among parties.
- a. A project financing plan showing projected equity and debt requirements, and the possible financing terms, including but not limited to, the amount financed, interest rate, and term.
- a. The nature and source of financing.
- a. Analysis on public financial contribution.
- a. Interest held by Roxbury and Chelsea community organizations.
- a. Pro Forma for the proposed development (Appendix F) indicating project shading where appropriate.
- a. Redevelopers Statement for Public Disclosure and Redevelopers Statement of Qualifications and Financial Responsibility (Form HUD-602, Appendix A).

FINANCING

The Challenge Track approach has the potential to leverage the maximum equity for the community development team in a way that assures the financial viability, and therefore construction, of the projects. By making sure that the project is built as soon as is feasible, this approach also promotes the timely delivery of community benefits.

To the maximum extent feasible, the team should negotiate with a private investor(s) a financing plan that assures that the projects will be built; assures the financial viability of the projects; and vests management control with the community partners.

Prior to tentative designation, the team must provide a presentation indicating interest from private investor(s) that conforms to the following submission requirements. Teams should be prepared to show indications of interest from more than one private investor group, but need not provide the level of information required below for all private investors indicating interest.

Submission Requirements

- o Letters of interest or other documentation from private investor(s) for construction and permanent financing.
- o Description of the legal relationships between and among parties.
- o A project financing plan indicating projected equity and debt requirements, and the possible financing terms, including but not limited to, the amount financed, interest rates, and term.
- o The nature and source of financing.
- o Reliance on public financial participation.
- o Interest held by Roxbury and Chinatown community organizations.
- o Pro Formas for the proposed developments (Appendix F); indicating project phasing where appropriate.
- o Redevelopers Statement for Public Disclosure and Redeveloper's Statement of Qualifications and Financial Responsibility (Form HUD-6004, Appendix H).

IV. APPENDICES

APPENDIX A

EMPLOYMENT AND TRAINING OF BELIEVERS

APPENDIX A

CITY EMPLOYMENT AND TRAINING GUIDELINES

I. INTRODUCTION

The purpose of the Employment and Training Guidelines is to inform developers, community groups, and government officials of the parameters of existing City employment and training policy. The Guidelines assist in the design of programs that will maximize the employment and training opportunities for Boston residents, minorities, and women. A common understanding of the Guidelines will facilitate comprehensive and equitable agreements which conform with City policy.

The Guidelines reflect the three major components of the City's employment policy:

- o The Boston Resident Jobs Policy, which ensures residents, minorities, and women construction job opportunities in the City;
- o The Boston for Boston Agreement, which gives city residents preference in obtaining permanent jobs created at the City's large real estate developments; and
- o The Neighborhood Jobs Trust, which funds job training and jobs creation programs for city residents with linkage payments received from the developers of large real estate projects.

This policy has demonstrated that it can produce results -- increased participation by residents, minorities, and women in the construction trades; retention by City residents of the good jobs created by the City's building boom; and the availability of critically needed funding for important, creative job training programs.

These Guidelines summarize the components of this policy, outline the criteria governing their administration, and explain the policy's scope.

II. GUIDELINES

Each of the components of Boston's Employment and Training Policy reflects a broad approach to providing Boston residents, minorities, and women a seat at the City's table of opportunity. An overview and the specific criteria for the administration of each aspect of the Policy follow.

1. Boston Residents Jobs Policy

For nearly a decade, the Boston Residents Jobs Policy (BRJP) has been an important tool to ensure that the benefits of Boston's booming construction industry are shared among all of the City's residents and neighborhoods.

Three important laws constitute the BRJP. First, a 1983 City Ordinance established construction employment standards requiring that the workforce on any publicly funded construction project be composed of 50% Boston residents, 25% minorities, and 10% women.

Second, in July, 1985, Mayor Flynn moved aggressively to expand the BRJP by issuing an Executive Order extending the requirements of the BRJP to large scale private real estate developments.

Finally, the most significant development concerning the BRJP occurred in September, 1986, when the Boston Employment Commission was created by a City Ordinance. This Ordinance reconfirmed, and established as a matter of law, the requirement that developers and contractors take specific measures on construction projects in the City to obtain a workforce that is composed of 50% residents, 25% minorities, and 10% women. The Ordinance also created important procedural means for determining BRJP compliance and added the authority to impose fines to the sanctions which may be applied in instances of non-compliance.

The Mayor's Office of Jobs and Community Services monitors the composition of the workforce on each project by analyzing weekly workforce reports and by conducting periodic on-site reviews. If the workforce on a project is found to have insufficient numbers of residents, minorities, and women, the developer and contractor must make "best efforts" to comply with the standards. "Best efforts" constitute a series of affirmative action steps which have been shown to increase construction related employment opportunities for residents, minorities, and women.

The Boston Employment Commission is responsible for conducting reviews and, where necessary, public hearings to determine whether a developer or contractor has complied with the BRJP. If the Commission determines that a developer or contractor has failed to comply with the employment standards set forth in the ordinance, the Commission has the authority to recommend sanctions such as fines and preclusion from participating in future development.

2. Boston for Boston Agreement

Boston for Boston is a commitment by the City's real estate developers to give Boston residents first opportunity at the 30,000 new permanent jobs which will be created in development projects to be built during the next five years.

A formal Memorandum of Understanding and First Source Agreement between each developer and the Mayor's Office of Jobs and Community Services reflect this commitment. The Memorandum and the Agreement were formulated during the second half of 1986 and have been in place since February, 1987.

The fundamental components of the understanding are the developer's agreement to:

- o pursue as a goal the employment of Boston residents in 50% of the workforce employed by the developer at the site, thereby achieving participation by minorities and women in the proportion they represent of the City's population;
- o assign to the management staff a liaison responsible for ensuring compliance with the plan;
- o enter into a First Source Agreement with the Mayor's Office of Jobs and Community Services, requiring notification to the City of employment opportunity(s) at the development five days prior to announcing or advertising the availability of such position(s) in any communications medium or with any employment or referral agency;
- o send a letter to tenant(s) which will transmit the goals of the Boston for Boston Agreement and forward a copy of the Boston for Boston Employment Services Guide;
- o focus on additional steps which it can take as landlord to encourage tenants to hire Boston residents for new job openings;
- o become a signatory to the Boston Compact;
- o participate in the Private Industry Council's Summer Jobs Program;
- o solicit statistical information from each tenant concerning the number of new employees and the percentage of Boston residents hired during the previous year.

The participating developers will convene annually in July of each year through 1996 to meet with the Mayor's Office of Jobs and Community Services to review the initiative, analyze performance, and make recommendations for improvement.

3. Neighborhood Jobs Trust

The Neighborhood Jobs Trust administers the "Jobs Linkage" payments received from the developers of major real estate projects. These payments, which are required by the Boston Zoning Code, are calculated at the rate of \$1.00 per square foot for each square foot of size by which a project exceeds 100,000 square feet.

The Neighborhood Jobs Trust is intended to "protect and provide continued and future employment and promotional opportunities for Boston's low and moderate income residents" through the provision of programs including job training and retraining, job placement services, adult literacy, and related support services.

Payment to the trust is made in two installments: the first half at the time a building permit is obtained and the remainder one year later.

The developer may exercise two options with respect to the jobs linkage payment:

Option A: Jobs Contribution Grant The developer pays two equal installments to the Jobs Trust. The funds are administered by the Trust and a minimum of twenty percent of the funds are targeted to the impacted neighborhood(s). Funds from the Jobs Contribution Grant are made available to potential service providers through an open Request For Concept Papers and targeted RFP's as needed, or for such demonstration projects as deemed appropriate by the Trustees. All funding decisions are made by a majority vote of the trustees.

Option B: Jobs Creation Contribution The developer creates a job-training program for workers employed or to be employed in permanent jobs at the project. This option requires the developer to pay linkage funds into the Trust initially, until approval by the Trustees is obtained for the program. Programs will be evaluated using the following criteria:

1. Identification by the developer of the employer(s), type(s), numbers of positions, and placement wages for those positions, for which training will be provided.
2. Demonstration of commitment by the employer(s) to the hiring of qualified trainees.
3. Appropriateness of training to local residents' needs and abilities.

4. Capacity, directly or through established links with training providers, to provide effective outreach and recruitment, assessment, training and placement services to program participants.

5. Appropriateness of costs.

Such programs will be monitored by JCS. Performance will be evaluated on the basis of successful enrollment, retention, and placement as defined in the approved proposal, and in accordance with any other criteria established by the Trustees.

1. PURPOSE AND MANDATE OF THE NEIGHBORHOOD HOUSING TRUST

On June 8, 1989, the Mayor of the City of Boston approved an ordinance passed by the Boston City Council establishing a Neighborhood Housing Trust. The ordinance and the declaration of Trust establish the purposes of the Trust as to: promote the public health, convenience and welfare by providing the means by which Boston's low or moderate income households are able to afford decent, safe and sanitary housing within the City of Boston. Toward that end the Trust shall help to create and retain the supply of housing for low or moderate income residents of the City of Boston, and shall, without limitation, acquire or appropriate real property to construct such housing program.

APPENDIX B

HOUSING CREATION REGULATIONS

AND

NEIGHBORHOOD HOUSING TRUST REGULATIONS

I. PURPOSE AND MANDATE OF THE NEIGHBORHOOD HOUSING TRUST

On June 6, 1986, the Mayor of the City of Boston approved an ordinance passed by the Boston City Council establishing a Neighborhood Housing Trust. The ordinance and Declaration of Trust establish the purposes of the Trust as to, "promote the public health, convenience and welfare by mitigating the extent to which Boston's low or moderate income households are unable to afford decent, safe and sanitary housing within the City of Boston. Toward that end the Trust shall help to create and retain the supply of housing for low or moderate income residents of the City of Boston, and shall, without limitation, acquire as appropriate real property to construct such housing thereon..."

Articles 26 and 26A of the Boston Zoning Code create a revenue source for the Trust to carry out these purposes. Pursuant to these articles, developers of certain large-scale projects are obligated to help mitigate the impacts of large-scale development on the available supply of low and moderate income housing by making a stream of payments to the Trust (the Housing Payment Option) or by directly aiding the creation of specific affordable housing units (the Housing Creation Option).

These rules and regulations have been developed to clarify the procedures and criteria which the Trust shall employ to ensure that linkage funds and any other contributions to the Trust are appropriately used.

II. BACKGROUND: THE LINKAGE REQUIREMENTS

Articles 26 and 26A of the Boston Zoning Code require developers of certain projects over 100,000 square feet to aid in the creation of affordable housing for low and moderate income households as a condition of the grant of deviations from the Zoning Code or the grant of any amendments to the zoning map or text. This requirement, which has become known as the "linkage" requirement, is also incorporated into contractual agreements called a "Development Impact Project Agreements" ("DIP Agreements") which obligated developers sign with the Boston Redevelopment Authority. The DIP Agreement describes the project in detail and specifies the amount and term of the linkage obligation.

Articles 26 and 26A, and each project's DIP Agreement, afford developers two methods for fulfilling their linkage responsibilities: a "Housing Payment Option" to be met through payment of a Housing Payment Exaction to the Neighborhood Housing Trust, and a "Housing Creation Option" to be met through directly aiding the creation of housing for low and moderate income people. Developers may select one of these options or a combination of both options to meet their linkage obligation.

A. THE HOUSING PAYMENT OPTION

Developers choosing to meet their full linkage obligation through the Housing Payment Option are required to pay to the Neighborhood Housing Trust a Housing Payment Exaction equal to \$5.00 for each square foot of gross floor area (gsf) in excess of one hundred thousand (100,000) square feet dedicated to office, retail, or other uses specified in Article 26.

Article 26, effective December 29, 1983, required that Housing Payment Exactions be paid in twelve equal annual installments, the first installment being due two years after the issuance of a building permit or immediately upon issuance of a certificate of occupancy, whichever occurred first.

Article 26A, effective February 26, 1986, changed these payment terms for projects with DIP Agreements signed after that date. Article 26A requires that developers building Development Impact Projects downtown must now pay the Housing Payment Exaction in fewer years (seven rather than twelve), with the first payment due sooner (upon issuance of a building permit) and with 10% of the funds reserved for use in the neighborhoods impacted by the development. Article 26A allows developers building outside the downtown area to still pay over twelve years, with the first payment due two years after building permit issuance or upon issue of a certificate of occupancy, but 20% of these developers' contributions must now be reserved for use in the impacted neighborhoods.

Article 26B, which was enacted simultaneously with Article 26A, establishes an additional \$1 fee per gross square foot in excess of 100,000 square feet for "jobs linkage", payable over twelve years to the Neighborhood Jobs Trust. Receipt and expenditure of these funds are outside the scope of responsibility of the Neighborhood Housing Trust.

B. THE HOUSING CREATION OPTION

Developers can also pursue an alternative course for meeting their linkage obligation, the "Housing Creation Option." In this option, developers may partially or fully meet their linkage obligations by creating or causing to be created affordable housing for low and moderate income households of the City of Boston, at a cost at least equivalent to the amount of the Housing Payment Exaction otherwise due. Developers may pursue this option only after approval from the Boston Redevelopment Authority (BRA), and pursuant to Housing Creation Regulations adopted by the BRA on April 17, 1986, the BRA shall only consider housing creation proposals for approval after the Neighborhood Housing Trust has had the opportunity to review the proposal and recommend approval or denial. The procedures and criteria to be used by the Trust in fulfilling this role are described below in Section VI.

III. DEFINITIONS

"Affordable Housing" shall mean housing, (i) the costs for which shall not exceed a certain percentage of the income for Low and Moderate Income Households in the Boston area, such costs and such percentage to be set from time to time by the United States Department of Housing and Urban Development ("HUD"), or (ii) as otherwise defined by the Boston Zoning Commission through its adoption of the definition of any state or federal agency, authority, department or similar instrumentality providing financial assistance to reduce the occupancy cost of housing to low and moderate income residents. Affordable Housing shall include specifically and without limitation rooming houses, congregate housing, transitional housing, halfway housing, public housing, emergency shelters, rental apartments, cooperatives, condominiums, and single or multi-family dwellings, as determined appropriate, desirable, and feasible by the Neighborhood Housing Trust.

"Developer" -- the person or entity seeking to create one or more new large-scale commercial real estate developments in the City of Boston which are Development Impact Projects as defined in the Boston Zoning Code Article 26, or that person's or entity's successors or assignees.

"Linkage Obligation" -- the obligation of Development Impact Project developers to contribute to the supply of affordable housing, which the Developers shall accomplish by means of the Housing Creation Option and/or by means of the Housing Payment Option. Also known as the DIP Contribution, the DIP Exaction or the Affordable Housing Exaction.

"Housing Creation Option" -- a means by which a Developer may fulfill its Linkage Obligation through creating or causing to be created Affordable Housing, at a cost at least equivalent to the amount of the appropriate Housing Payment Exaction, and in conformity with written regulations adopted by the Boston Redevelopment Authority. Developers may employ the Housing Creation Option only after approval of a Housing Creation proposal according to the procedures established in these regulations and BRA Housing Creation regulations. Also known as the Housing Creation Exaction and the In-Kind Affordable Housing Contribution.

"Housing Payment Option" -- a means by which a Developer may fulfill its Linkage Obligation through the payment of a Housing Payment Exaction to and for the exclusive benefit of the Neighborhood Housing Trust. Also known as the Housing Contribution Option.

"Housing Payment Exaction" -- the means by which a Developer shall satisfy the Housing Payment Option through the payment of a sum of money, the amount of which shall be calculated pursuant to Articles 26 and 26A of the Boston Zoning Code, which the Developer is required to pay to and for the exclusive benefit of the Neighborhood Housing Trust. Also known as the Housing Contribution Grant, the Housing Contribution Exaction, the Affordable Housing Exaction Payment, or the Affordable Housing Exaction Money Payment.

"Low Income Households" -- households where the total income of the members thereof at initial occupancy does not exceed fifty percent (50%) of the median income for the Boston Standard Metropolitan Statistical Area as set forth in or calculated based upon regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.

"Moderate Income Households" -- households where the total income of the members thereof at initial occupancy does not exceed eighty percent (80%) of the median income for the Boston Standard Metropolitan Statistical Area as set forth in or calculated based upon regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.

IV. PROCEDURES FOR THE ORGANIZATION AND STRUCTURE OF THE NEIGHBORHOOD HOUSING TRUST

A. STRUCTURE AND STAFFING OF THE NEIGHBORHOOD HOUSING TRUST

1. Chair of the Neighborhood Housing Trust

Every other year, at the next annual Trust meeting after the biennial municipal elections, the Trustees shall by majority vote elect one of their members to serve as Chair of the Trust for the next two years. The Chair shall organize and schedule Trust meetings, and shall notify the Trustees of such meetings, as functions delegated by the Managing Trustee. The Chair shall chair Trust meetings, shall distribute all funding proposals to the Trustees, shall distribute all housing creation proposals to the Trustees, shall oversee the work of the secretary, and shall oversee the work of any staff employed by the Trust.

2. Appointment of a Secretary

The Trustees shall appoint a secretary, who shall not be a Trustee and who shall serve at the pleasure of the Trustees. The secretary shall keep a record of the proceedings of meetings of the Trustees and shall be a custodian of book, documents, and papers filed with the Trustees.

3. Other Staffing Needs

The Trustees shall determine the best method for carrying out those responsibilities of the Trust which require or could benefit from staff assistance, including but not limited to implementing procedures to ensure all obligated developers fulfill their linkage obligations, maintaining current projections of linkage and any other funds due to the Trust, developing requests for proposals, reviewing housing payment and housing creation proposals submitted to the Trust, negotiating disbursement plans, enforcement mechanisms, and other agreements with parties awarded Trust funds, monitoring projects to which Trust funds have been allocated, and keeping all pertinent City agencies informed.

The Trust shall attempt to minimize the amount of Trust funds spent upon staffing or consultation services, so as to leave the maximum funds possible for distribution to projects which develop new or rehabilitated housing. To this end, the Trustees may request assistance in their duties as needed from the City of Boston Law Department, the Boston Redevelopment Authority, the Public Facilities Department, Mayor's Office, or such other City departments as can aid in developing or implementing policies of the Trust.

In no case shall the administrative expenditures of the Trust, including the cost of staffing and an annual audit, exceed \$100,000.

B. PROCEDURES FOR MEETINGS OF THE TRUST

1. Meetings are Open Public Meetings

Meeting of the Trust shall be open public meetings in accordance with the open meeting laws of the Commonwealth of Massachusetts as embodied in MGL Chapter 30 s.23, as amended.

2. Scheduling of Meetings

The Trustees shall hold an annual meeting on the Monday following the second Friday in January of each year, and shall also hold at least three other quarterly meetings each year. The Trustees may also meet at such other times as may be designated for Special Meetings by the Chair, or by vote of the Trustees.

3. Notice Provisions

Quarterly or special meetings shall be called by written notice from the Chair. Such notice must be received by each other Trustee at least seven days prior to the date scheduled for such meeting, unless such notice is waived in writing by all Trustees and such waiver is filed with the records of the Trust. Notices for Trust meetings shall set forth the date, shall state the time and place of the meeting, shall contain an agenda of actions to be brought before the Trust, and shall also include any appropriate background information for the meeting.

4. Actions Without Meetings

Any action required or permitted to be taken by the Trust may be taken without a meeting if all Trustees entitled to vote consent in writing to the taking of such action without a meeting. Such written consents shall be treated for all purposes as a vote at a meeting, and shall become part of the permanent records of the Trust upon announcement of the occurrence of such a vote at the next public meeting of the Trust.

5. Meeting Attendance

Should any Trustee other than those serving ex officio fail to attend two consecutive quarterly meetings; he or she shall be deemed to have voluntarily vacated his or her office as Trustee, and his or her office may be filled by the Mayor as provided by the terms of the Trust.

6. Quorum

A quorum shall be constituted at each meeting if at least four of the Trustees are present in person.

7. Voting

Each Trustee shall be entitled to one vote on each matter brought before the Trust. Except as otherwise provided herein or by the terms of the Declaration of Trust Articles I or II, the Trust shall act by majority vote of the Trustees present and eligible to vote.

8. Minutes of Trust Proceedings

The secretary shall record minutes at each meeting. Minutes shall be sent to each Trustee with the notice and agenda of the next meeting. Minutes shall be accepted or edited by Trust vote at said next meeting, and shall be filed with the Trust records.

C. PROCEDURES FOR COLLECTING PAYMENTS DUE TO THE TRUST

The Managing Trustee shall implement procedures to ensure prompt collection of housing payment exactions due to the Trust.

1. Collection of First Housing Payment Exactions Due

In order to ensure prompt receipt of the first annual housing payment exactions from developers obligated by Article 26A to make such first payment at the time of issuance of a building permit, the Inspectional Services Department shall not issue a building permit until satisfactory evidence of receipt of said first payment by the Managing Trustee has been presented or a Housing Creation Agreement has been signed with the Boston Redevelopment Authority. Satisfactory evidence shall consist of a true copy of the letter from the Managing Trustee to the developer acknowledging receipt of the payment.

Similarly, no developer obligated by Article 26 or Article 26A to pay the first annual housing payment exaction upon issuance of a certificate of occupancy or two years after issuance of a building permit, whichever is sooner, shall be issued a certificate of occupancy by the Inspectional Services Department until satisfactory evidence of receipt of said first payment by the Managing Trustee has been presented or a Housing Creation Agreement has been signed with the Boston Redevelopment Authority.

2. Collection of Subsequent Housing Payment Exactions Due

In each subsequent year in which a developer is obligated to make annual housing payment exactions to the Trust, the Managing Trustee shall send a bill to the developer at least fourteen days prior to the date on which such subsequent payment shall become due. Such bills shall indicate the amount owed and the date on which payment is due.

3. Interest and Penalties

In the event that payments are not made in a timely manner as provided in the Development Impact Project Agreement, interest shall be charged the developer at the M.G.L. Chapter 59 statutory rate. A statement regarding such interest charges shall be attached to the letter acknowledging receipt of the first annual payment.

4. Enforcement Actions to Collect Payments Due

The Managing Trustee shall, after a majority vote of the Trustees, institute proceedings as allowed under law to enforce collection of any payments due to the Trust, including any unpaid first annual payment exactions or unpaid subsequent annual payment exactions.

D. PROCEDURES FOR MANAGING TRUST CONTRIBUTIONS

1. Annual Account of the Managing Trustee

At each annual meeting, the Managing Trustee shall submit to the Trustees an account of the Trust prepared by an independent certified public accountant and shall submit copies of it to the Boston City Council, Boston City Clerk, and to the Division of Public Charities of the Office of the Attorney General of the Commonwealth of Massachusetts, or to such other office of the Commonwealth as shall be authorized to receive accounts of public charities. The account shall be the result of an independent audit and shall be available to the public. The Trust may charge the public a nominal fee for copies of the annual account.

2. Records of Trust Property

The Managing Trustee shall keep a list of all names and amounts of donors to the Trust, including the parties to all signed Development Impact Project Agreements. All Trust property shall be identified on the books, and all such records and books shall be open to the public at times and places identified by the Managing Trustee.

3. Procedures for Management of Money

The Managing Trustee shall establish the procedures for the management of Trust funds, and shall report annually on such procedures to the Trustees. Such report shall explain how the Trust funds have been invested, the extent to which the Managing Trustee has delegated financial management responsibilities to an outside custodian, and the extent to which the Trust may borrow against Trust funds. The Trustees may at any time by majority vote direct the Managing Trustee in the performance of duties related to the management of Trust funds.

V. PROCEDURES AND CRITERIA FOR DISTRIBUTION OF FUNDS

A. DETERMINATION OF FUNDS AVAILABLE FOR DISTRIBUTION

Prior to the Trust's annual meeting each January, the Managing Trustee shall prepare a report of the funds currently available to the Trust and the funds expected to become available to the Trust during that calendar year. Funds currently available shall include funds previously accepted by the Trust but not yet expended, plus any interest earned on these funds. Funds expected to become available shall include all housing payment exactions expected to become due in that year, plus any other donations due to the Trust.

In preparing this report, the Managing Trustee may request that the Boston Redevelopment Authority prepare a listing of all development projects for which Development Impact Project Agreements have been executed ("DIP Projects"), and for each such DIP Project, that the Boston Redevelopment Authority provide at least the following information: the total linkage obligation due, the number of years over which this project must pay annual exactions if the Housing Payment Option is chosen, building permit and certificate of occupancy dates, the year in which the first Housing Payment Exaction is expected to become due, whether a Housing Creation Agreement has been approved or proposed, and with respect to Development Impact Projects with payments due in the current year, an estimate of the month in which that payment shall become due.

At the annual meeting, or at a subsequent meeting of the Trust, the Trustees shall determine what amount of these funds it is in the best interest of the Trust to distribute in that calendar year and how and when to distribute such an amount, through request for proposals funding rounds or alternative procedures, as set forth below. In making this determination, the Trustees shall consider, among other factors, the amount of funds expected to be available in the current year and subsequent years, any neighborhood restrictions on use of these funds pursuant to the provisions of Article 26A, the number of housing creation proposals expected in that year, and the Trust's current ability to obligate funds due to the Trust in future years.

B. AUTHORIZATIONS NEEDED PRIOR TO DISTRIBUTION OF FUNDS

In order to receive needed approvals from the City Council and the Mayor, the Trustees shall at their annual meeting request that the Mayor submit to the City Council a proposed order approving the acceptance and subsequent expenditure of all housing payment exactions which may become due from developers of Development Impact Projects which have executed Development Impact Project Agreements with the Boston Redevelopment Authority to date.

The Trustees may at any subsequent meeting of the Trust amend this request or make further requests for City Council and Mayoral approval of funds to be accepted and expended if needed due to the execution of further DIP Agreements or amendment to current DIP agreements.

C. PROCEDURES FOR APPLICATION FOR FUNDS

1. Request for Proposals Procedures

The primary method for distribution of funds shall be through "request for proposals" competitions. Such competitions shall be initiated through issuance by the Trustees of a request for proposals soliciting applications for assistance from organizations or individuals that wish to create or preserve affordable housing in Boston.

The Trust may issue a request for proposals for general housing development and preservation, or may issue a targetted request for proposals, which requests proposals featuring a particular minimum percentage of affordable units, particular types of housing (e.g. handicapped housing), particular uses of funds (e.g. loans versus grants), or other purposes that the Trust determines are of particular importance or need to the City at that time.

Request for proposals shall indicate the maximum amount of funds expected to be distributed in that funding round, where and in what format proposals can be submitted, the date upon which proposals are due, whether a nominal fee shall be due upon submission, the criteria which shall be used for selecting among proposals, and a timetable for the Trust's review of submitted applications. Requests for proposals shall afford applicants a minimum of 45 days to submit proposals to the Trust.

The Trust shall advertise the availability of any request for proposals in at least one daily local newspaper of general circulation, and copies of the request for proposals shall be made available at Boston City Hall and through written request to the Trust.

2. Alternative Application Procedures

If necessary to best fulfill the purposes of the Trust, the Trustees may in any year vote to utilize an alternative to the request for proposals process for any distribution of Trust funds. Alternative distribution procedures may be approved only at the Trust's annual meeting or a scheduled quarterly meeting. Such procedures shall comply with the advertisement and notice provisions applicable to request for proposals competitions, and may also be targetted to projects with particular uses or a particular minimum percentage of affordable units.

D. ELIGIBLE APPLICANTS FOR RECEIPT OF TRUST FUNDS

Private, public, non-profit, and profit development entities or private individuals can be considered eligible for receipt of Trust funds if the applicants meet the following standards:

1. Applicants are not delinquent in the payment of taxes to the City of Boston nor are there taxes outstanding and not yet under payment agreement with the City of Boston;
2. Applicants have not been convicted of arson or arson related crimes, nor have arson-related charges pending;
3. Applicants have not been convicted of discrimination in the sale or lease of housing or any other violation of fair housing laws as applicable in the City of Boston, and do not have outstanding unresolved complaints of violation of fair housing laws;
4. Applicants do not have any outstanding unresolved complaints regarding the City of Boston's rent equity, fair housing, or condominium conversion laws; and
5. Such other standards as may be included in any request for proposals or alternative application documents.

E. ELIGIBLE PROJECTS FOR RECEIPT OF TRUST FUNDS

Projects containing owner-occupied, rental, cooperative or other forms of permanent, transitional, or temporary housing may be eligible for receipt of Trust funds, whether they are developed through new construction, rehabilitation of abandoned housing, conversion of non-residential property, or rehabilitation or preservation of occupied residential property, if they meet the following criteria:

1. The affordable units would not be created but for the Trust funds requested.
2. Trust funds shall be used solely to assist the affordable units. Projects may contain units to be occupied by households of various incomes, but Trust funds may not be used to directly benefit households other than those occupying the affordable units.
3. All Trust funds shall be used to assist the creation or preservation of housing. A project may contain non-residential uses, but Trust funds shall not be used to assist non-residential uses.
4. Units for which Trust funds are requested shall remain affordable for a minimum of fifteen years.
5. The project is financially feasible.
6. The project's applicant has site control.
7. The project shall be managed in compliance with the provisions of the Boston Jobs Ordinance.
8. Housing units to be produced or rehabilitated shall meet the requirements of the state sanitary and building codes.
9. Housing units created or preserved shall be made available in accordance with the City of Boston Fair Housing Plan and other applicable fair housing and equal opportunity requirements as provided by law.
10. Such additional criteria as the Trust may establish in a request for proposals or alternative application procedures.

F. PROCEDURES AND CRITERIA FOR REVIEW OF APPLICATIONS

1. Review Procedures

The Trustees shall review all applications which are appropriately submitted to the Trust. After initial review, the Trustees may request further materials to explain or modify any proposal and may upon request allow proponents an opportunity to amend their applications.

The Trust encourages all applicants to actively solicit community comments during the development of their proposals, and will review all community comments submitted with applications or separately to the Trust. All proposals deemed finalists (or all proposals if the Trust does not choose finalists) shall be afforded a public hearing before each distribution of funds, and in any case within 60 days after the deadline for receipt of funding proposals. The public hearing shall allow proponents and opponents an opportunity to comment on the proposals.

After accepting and reviewing applications, the Trustees may vote to approve all, some, or none of the applications they have received.

2. Review Criteria

The Trustees shall review the extent to which eligible submitted proposals meet the following review criteria in order to determine which, if any, best meet the purposes of the Trust and the needs of the City.

- a) The total number of affordable units to be developed in the project.
- b) The percentage of the project's units which are affordable units.
- c) The amount of Trust funds requested per affordable unit to be developed.
- d) The developer's capacity, determined through consideration of the developer's past history in completing projects of similar scale and nature, and for developers proposing rental housing, the property management history of the developer and management agent.
- e) The timeliness with which units shall be developed.

- f) The number of years beyond the minimum fifteen years that the project shall maintain units at affordable rental or sales prices, and the strength of the enforcement mechanisms offered to ensure this long-term affordability.
- g) The number of the affordable units that shall be made available to low income households.
- h) The extent, if any, to which the project provides housing for special needs households including, but not limited to: mentally ill and/or physically handicapped persons, battered women and their children, homeless individuals.
- i) The extent to which the project shall provide employment for local, female, and minority labor.
- j) The extent to which the project shall provide financial or managerial participation by minority business enterprises or women business enterprises.
- k) Any ongoing or reversionary financial or ownership participation in the development offered to the Trust which may enhance the resources available to the Trust.
- l) The extent to which the neighborhood in which the Project is located has not previously received linkage funds or any other Trust distributions.
- m) Such other criteria as the Trustees may establish in a request for proposals or alternative application procedures.

G. PROCEDURES FOR OBLIGATING AND MONITORING THE USE OF TRUST FUNDS

1. Letter of Award

The Trust shall notify parties selected to receive Trust distributions through a letter of award. Letters of award shall indicate the amount of funds to be obligated, when such funds shall be available, and the terms and conditions which shall apply to the award. The letter of award shall specify that no funds shall be released until execution of a housing payment agreement between the Trust and such grantee.

2. Housing Payment Agreement

Upon countersignature of the letter of award, the Trust and grantee shall develop and execute a housing payment agreement which specifies in greater detail how the granted funds shall be disbursed and monitored. At a minimum, such housing payment agreement shall specify the timing of disbursements, the mechanisms required of the grantee to ensure long-term affordability, and the monitoring and enforcement procedures to be employed by the Trust to ensure compliance with the terms and conditions of the award.

Where appropriate, Housing Payment Agreements shall be supplemented by a loan and mortgage note or other financial documents.

3. Certification of Initial Compliance

Within 60 days of completing the housing development or preservation project for which Trust funds have been awarded, the grantee shall submit a certification of compliance to the Trust indicating the grantee's current compliance with all terms of the award. Failure to submit such certification or demonstration of non-compliance shall be grounds for revoking the award or taking such other enforcement actions as the Trust deems appropriate.

4. Monitoring Procedures

Trust staff or another City agency through delegation by the Trust shall monitor projects to which the Trust has granted funds to ensure continuing compliance with the conditions of award and to recommend enforcement actions in the case of non-compliance.

H. TECHNICAL ASSISTANCE IN DISTRIBUTION OF FUNDS

In conformity with the policies established in Section IV (A)(3) above, the Trust may request assistance from the City of Boston Law Department, the Boston Redevelopment Authority, the City of Boston Public Facilities Department, the Mayor's Office of the City of Boston, or such other agency staff or outside counsel or consultants as the Trustees deem necessary and appropriate to prepare requests for proposals, review applications for funds, or otherwise aid in the establishment of funding rounds, the distribution of Trust funds, and the monitoring of Trust fund distributions.

VI. PROCEDURES AND CRITERIA FOR REVIEW OF HOUSING CREATION PROPOSALS

The Housing Creation Option offers developers the opportunity to meet their housing linkage requirements by directly creating or aiding in the creation of affordable housing. Regulations adopted by the Boston Redevelopment Authority on April 17, 1986 establish that each housing creation proposal must be submitted to the Neighborhood Housing Trust for the Trustees' review and recommendation before the proposal is considered for approval by the Boston Redevelopment Authority.

A. PROCEDURES FOR REVIEW OF HOUSING CREATION PROPOSALS

Upon receipt of a completed Housing Creation proposal, the Managing Trustee shall make copies available to all Trustees, and the Chair shall schedule a public hearing on the merits of the proposal, at which proponents and any opponents of the project shall be afforded the opportunity to speak.

B. CRITERIA FOR REVIEW OF HOUSING CREATION PROPOSALS

The Trustees shall evaluate the appropriateness of any housing creation proposal submitted for its review as follows: First, the Trust shall determine if the proposal is meritorious relative to the same eligibility and review criteria established above in Section V. Second, the Trust shall determine if benefits or circumstances justify awarding funds to a meritorious proposal through housing creation rather than the housing payment distribution process described above. Active involvement of the DIP developer in designing or building the housing creation project, supplementary financial assistance being offered by the DIP developer, a demonstrated need for the housing creation project to receive funds before the next Trust funding round will occur, or other benefits or circumstances shall be considered by the Trust.

C. RECOMMENDATION CONCERNING HOUSING CREATION PROPOSALS

After review and public hearing, the Trustees shall make a determination concerning the overall appropriateness of the proposal and may recommend to the Boston Redevelopment Authority approval, with or without conditions, or denial of the housing creation proposal. If the Trust makes no recommendation within forty-five calendar days of receiving a housing creation proposal, the Boston Redevelopment Authority may after public notice and hearing take final action on the Housing Creation Proposal.

VII. AMENDMENTS OF RULES AND REGULATIONS

The Trustees may amend these Rules and Regulations by majority vote at any meeting of the Trustees. All written rules, regulations, procedures and amendments shall be published and recorded in the Office of the Boston City Clerk, the Division of Public Charities of the Office of the Attorney General of the Commonwealth of Massachusetts, and the Office of the Secretary of the Commonwealth of Massachusetts. Any amendments shall take effect when so recorded.

Developers may elect from the options in order to satisfy their obligations under Article 2B of the Housing Creation Option. May be made in equal annual installments. May "Housing Payment Option", on 21. Developers may create or contribute to the creation of housing affordable to low and moderate income households pursuant to these regulations (the "Housing Creation Option").

Articles 2B and 2BA require the Boston Redevelopment Authority to promulgate regulations governing the administration of the Housing Creation Option. These regulations set forth procedures and requirements for Developers who have elected the Housing Creation Option and are intended to encourage Developers to select the Housing Creation Option.

Section 2: Definitions

The following terms, whenever used in these regulations, shall have the following meanings, unless the context clearly requires otherwise:

- (a) "Affordable Housing" shall mean housing, the cost for which shall not exceed a certain percentage of the income of low or moderate income households, such costs and such percentage to be that set from time to time by the Massachusetts Housing Finance Agency or its successor agency for similar programs administered by it and shall include specifically, and without limitation rowing houses, converted housing, transitional housing, halfway housing, emergency shelters, cooperatives, condominiums, and single or multi-family dwellings, as determined appropriate, desirable, and feasible by the Neighborhood Housing Trust.

BOSTON REDEVELOPMENT AUTHORITY
HOUSING CREATION REGULATIONS
PROMULGATED PURSUANT TO ARTICLES 26 & 26A
OF THE BOSTON ZONING CODE
APRIL 17, 1986

Section 1: Scope and Purpose

Articles 26 and 26A of the Boston Zoning Code require Developers of certain projects, known as Development Impact Projects, to contribute Development Impact Project Exactions to help alleviate the shortage of affordable housing in the City of Boston. Developers may elect from two options in order to satisfy their obligations under Articles 26 or 26A: 1) Housing Exaction Payments may be made in equal annual installments (the "Housing Payment Option"), or 2) Developers may create or contribute to the creation of housing affordable to low and moderate income households pursuant to these regulations (the "Housing Creation Option").

Articles 26 and 26A require the Boston Redevelopment Authority to promulgate regulations governing the administration of the Housing Creation Option. These regulations set forth procedures and requirements for Developers who have elected the Housing Creation Option and are intended to encourage Developers to select the Housing Creation Option.

Section 2: Definitions

The following terms, wherever used in these regulations, shall have the following meanings, unless the context clearly requires otherwise:

- (a) "Affordable Housing" shall mean housing, the costs for which shall not exceed a certain percentage of the income of Low or Moderate Income Households, such costs and such percentage to be that set from time to time by the Massachusetts Housing Finance Agency or its successor agency for similar programs administered by it and shall include specifically and without limitation rooming houses, congregate housing, transitional housing, halfway housing, emergency shelters, cooperatives, condominiums, and single or multi-family dwellings, as determined appropriate, desirable, and feasible by the Neighborhood Housing Trust.

- (b) "Authority" shall mean the Boston Redevelopment Authority, a public body politic and corporate duly organized and existing under Massachusetts General Laws Chapter 121B.
- (c) "CDC" (Community Development Corporation), shall mean a corporation duly organized and existing pursuant to Massachusetts General Laws, Chapter 40F.
- (d) "Certificate of Compliance" shall mean a certificate approved by the Authority which certifies that a Developer has complied with the requirements of a Housing Creation Agreement to which the Developer is a party.
- (e) "Developer" shall mean an individual, corporation, business trust, estate trust, partnership or association, two or more Developers having a joint or common interest, or any other legal or commercial entity subject to Articles 26 or 26A of the Boston Zoning Code.
- (f) "Director" shall mean the Director of the Boston Redevelopment Authority.
- (g) "Housing Creation Option" shall mean the means as set forth in these regulations by which a Developer shall satisfy its obligations under Articles 26 or 26A of the Boston Zoning Code if electing the Housing Creation Exaction Option thereunder.
- (h) "Housing Payment Option" shall mean the means by which a Developer shall pay the amount calculated pursuant to Articles 26 or 26A of the Boston Zoning Code which the Developer is required to pay if electing the Housing Payment Exaction option thereunder.
- (i) "Low Income Household" shall mean a household where the total income of the members thereof at initial occupancy does not exceed fifty percent of the median income for the Boston Standard Metropolitan Statistical Area as set forth in or calculated based upon regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.

- (j) "MBE" (Minority Business Enterprise) shall mean a business organization which has been certified as a Minority Business Enterprise by the Mayor's Office of Jobs and Community Service.
- (k) "Moderate Income Household" shall mean a household where the total income of the members thereof at initial occupancy does not exceed eighty percent (80%) of the median income for the Boston Standard Metropolitan Statistical Area as set forth in or calculated based upon regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974.
- (l) "Neighborhood Housing Trust" shall mean the Massachusetts charitable trust to be created pursuant to the Special Statutes and Ordinances of the City of Boston. The Trust will administer funds received by means of the Housing Payment Exaction requirement for Development Impact Projects.
- (m) "Net Present Value" shall mean the value of an amount of money equal to the sum of discounted payments which would have been made by the Developer had it elected to satisfy its obligations under Articles 26 or 26A of the Boston Zoning Code through the Housing Payment Option, such discounting to be measured from the date at which the Developer enters into a Housing Creation Agreement with the Authority to the dates at which each Housing Payment installment payment would have been made.
- (n) "Seed Money" shall mean money placed in a revolving fund to be administered by the Neighborhood Housing Trust for low-interest loans to MBE's, CDC's, or other for-profit or non-profit organizations for the purpose of encouraging the housing creation activities contemplated by these regulations.

Section 3: Housing Creation Options

A Developer who elects to satisfy its obligation under Articles 26 or 26A of the Boston Zoning Code through the Housing Creation Option may propose, in accordance with the requirements of these Regulations, that it fulfill all or any part of its obligation by methods such as but not limited to the following:

- (a) Directly creating, through new construction, acquisition/rehabilitation or purchase, Affordable Housing:

Example: A Developer having a linkage obligation of \$500,000 (Net Present Value), acquires and constructs 15 townhouse family housing units at a total cost of \$1,200,000. The units are then sold subject to resale restrictions to low and moderate income home buyers at prices totaling \$700,000. The Developer has underwritten the housing so produced to the extent of the linkage obligation.

or

- (b) Forming a joint venture, general or limited partnership or similar corporate relationship with an MBE, CDC, or for-profit or non-profit organization for the creation of Affordable Housing. The Developer shall ensure that any joint venturer, co-developer or partner of the Developer's shall become a party to the Housing Creation Agreement required pursuant to Section 9 hereof and be bound thereby;

Example: The Developer invests its \$500,000 linkage obligation (Net Present Value) as a partner in an entity formed to build and operate a rental housing development of which a qualifying MBE, CDC or for-profit or non-profit organization is the controlling general partner. This equity permits the general partner to obtain project financing. Assigned to the Neighborhood Housing Trust are all cash dividends and all proceeds due from sale, re syndication or refinancing of the project up to the amount of the Net Present Value of the Developer's linkage obligation, plus interest.

or

- (c) Contributing the Net Present Value of the payments which would have been made under the Housing Payment Option to an entity designated by the Developer and approved by the Authority, which entity shall be responsible for the construction

and operation of Affordable Housing. The Developer shall ensure that any entity so designated and approved shall become a party to the Housing Creation Agreement required pursuant to Section 9 hereof and be bound thereby.

Example: The Developer loans \$500,000 on favorable terms to an MBE, CDC or for-profit or non-profit housing producer as primary or subordinated permanent project financing, for the housing producer to use for the purchase of a subsidy annuity, or for such other purpose as may be necessary to the production of Affordable Housing. As the interest rate is well below market rates, affordable rental or equity housing is produced. The Developer assigns its interest in the Loan to the Neighborhood Housing Trust, thus discharging its linkage obligation.

or

- (d) Selecting any of the options above or any combination of the options above in full or partial satisfaction of its obligations under Articles 26 or 26A.

Example: The Developer, wishing to satisfy half of its linkage obligation currently and electing to pay the remainder over 12 years, invests \$250,000 as a limited partner in a new housing development sponsored by an MBE, CDC or for-profit or non-profit organization. The remaining linkage obligation is satisfied pro rata according to the requirements of the Housing Payment Option.

Section 4: Housing Creation Proposal Review Criteria

All proposals shall be evaluated according to criteria which shall include but not be limited to the following:

- (a) provide equity (ownership) opportunities for Low and Moderate Income Households;
- (b) maximize the number of units of housing available to Low and Moderate Income Households;

- (c) maximize the term of occupancy for Low and Moderate Income Households; and
- (d) cause the improvement of blighted areas in the City.

Section 5: Satisfaction of Linkage Obligation; Equivalent Value

The Developer's obligations under Articles 26 or 26A shall be satisfied under Section 3 if and only if the amount of the Developer's contribution under any of the options set forth in Section 3 is equal to the Net Present Value of the payments that would have been made by the Developer had it elected the Housing Payment Option. Net Present Value shall be determined by applying a composite discount rate to the payments that the Developer would have made under the Housing Payment Option. The discount rate shall be calculated by adding fifty percent of the Developer's verified cost of funds for the construction of its Development Impact Project to fifty percent of the current most recent City of Boston long-term (ten year) municipal bond yield.

Section 6: Housing Creation Proposal

A Developer electing the Housing Creation Option shall submit a proposal setting forth the Developer's plan for creating Affordable Housing which would not have been built but for the Developer's contribution. The proposal shall comply with the submission requirements set forth in the Development Review Procedures as published by the Authority from time to time and shall contain such other information as the Director and the Neighborhood Housing Trust may require.

Section 7: Review by Neighborhood Housing Trust

The Director shall submit the proposal to the Neighborhood Housing Trust immediately upon receipt thereof. The Neighborhood Housing Trust shall review the overall appropriateness of the proposal and shall recommend to the Authority approval, with or without conditions, or denial of each proposal within forty-five (45) calendar days of receipt thereof.

Section 8: Proposal Approval

Upon completion of review of the proposal by the Neighborhood Housing Trust and the Authority or upon the expiration of the above-mentioned forty-five day review period, the Authority after public notice and hearing shall take final

action on the Developer's housing creation proposal and shall promptly notify the Developer of its action in writing.

Section 9: Housing Creation Agreement

Upon approval of the proposal by the Authority, the Director and the Developer shall enter into an agreement ("Housing Creation Agreement") which shall be in a format prescribed by the Authority and contain such provisions as the Director and the Neighborhood Housing Trust determine necessary to ensure the completion of the project in accordance with the Developer's proposal as approved by the Authority.

Section 10: Certificate of Compliance

Upon satisfactory performance of its obligations under the terms of the Housing Creation Agreement and if so requested by the Developer, the Authority shall issue to the Developer a Certificate of Compliance.

Section 11: Seed Money Loans

If a Developer selects the option set forth in Section 3(c), up to five percent (5%) of the Developer's contribution shall be set aside and placed in a seed money revolving fund to be administered by the Neighborhood Housing Trust. Such funds may be loaned to MBE's, CDC's or other for-profit or non-profit organizations for the purpose of encouraging the housing creation activities contemplated by these regulations. The interest rates on such loans shall be equal to fifty percent (50%) of the City of Boston current long-term (ten year) municipal bond yield.

Section 12: Section Headings

The captions to the sections used throughout these Regulations are intended solely to facilitate the reading of and reference to the sections and provisions of these Regulations. The captions shall not affect the meaning or interpretation of these Regulations.

Section 13: Severability

If any provision or section of these Regulations shall be held to be invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of these Regulations and such remaining provisions or sections shall continue in full force and effect.

Approved and voted this _____ day of _____, 1986.

Robert L. Farrell, Chairman

Joseph J. Walsh, Vice-Chairman

James K. Flaherty, Treasurer

Clarence J. Jones, Vice-Treasurer

Michael F. Donlan, Member

Kane Simonian, Secretary

BACKGROUND INFORMATION FOR KINGSTON-BEDFORD AND LINCOLN-ESSEX PARCELS

Parcel Descriptions

The Kingston-Bedford garage parcel is located on the block bounded by Kingston, Bedford, Columbia, and Essex Streets in downtown Boston. The total area of the parcel, currently occupied by a 750-car mechanical garage, is 27,426± square feet.

The vacant parcel at 140 Essex Street, currently a 78-car parking lot, is bounded by Columbia, Essex, and Lincoln Streets and abuts the Bedford Building. The total area of the site is 20,757± square feet. (The proposed widening of Essex Street would reduce this site to 17,322± square feet.)

In addition, proposals may include adjacent privately-owned parcels. Guidelines contained herein pertain to both the public and private parcels.

Essex Street Widening

As part of a traffic improvement plan for Dewey Square, Chinatown, and other adjacent areas Essex Street may be widened to accommodate two-way traffic. This traffic improvement project would necessitate taking by eminent domain some private parcels.

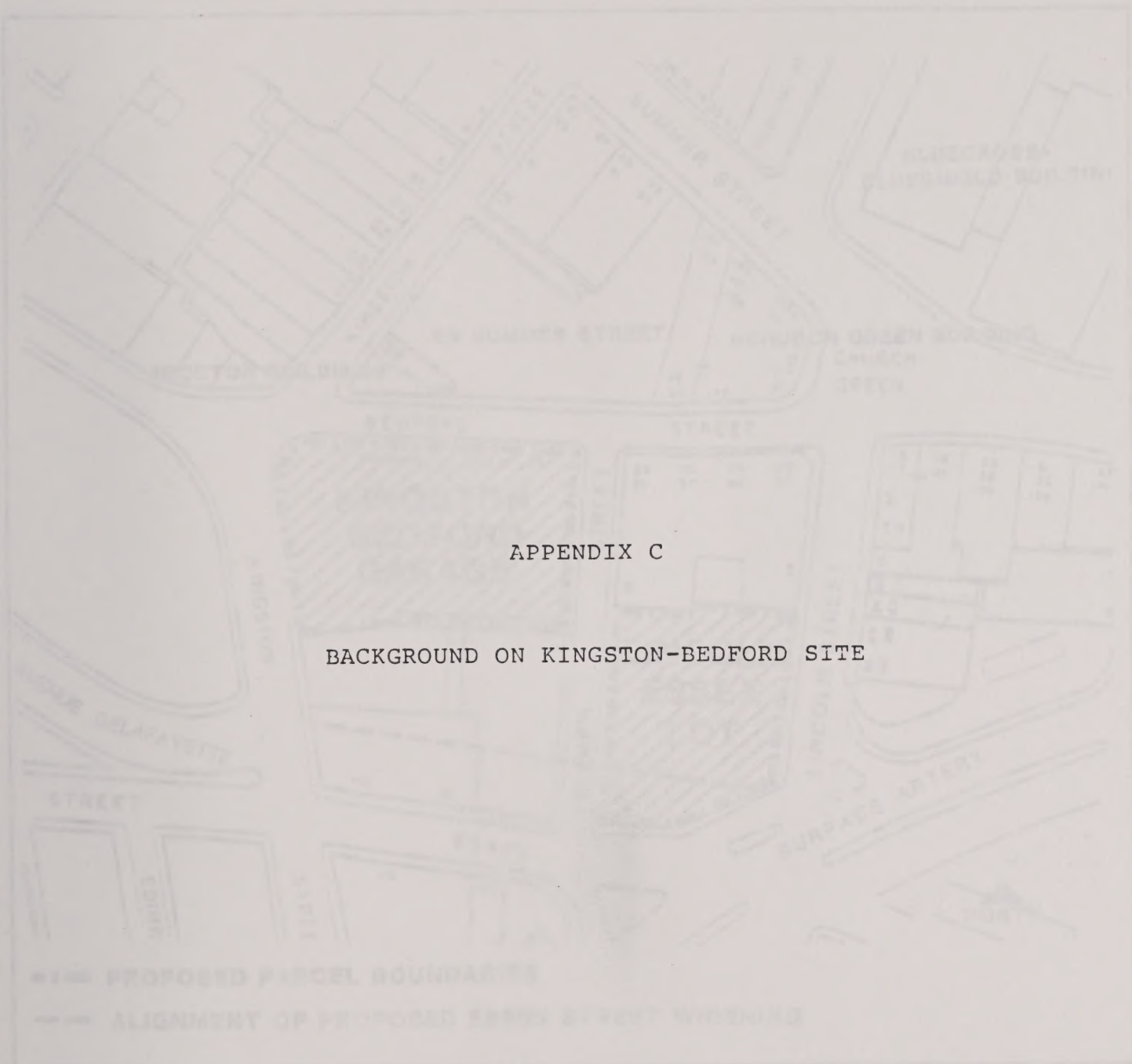
Sub-surface Parking Facility

The City of Boston Real Property Department and the Boston Redevelopment Authority have determined that a replacement underground parking structure may be beneficial to the Kingston-Bedford area, and they have agreed to conduct a feasibility study for such a structure. The study will include the following:

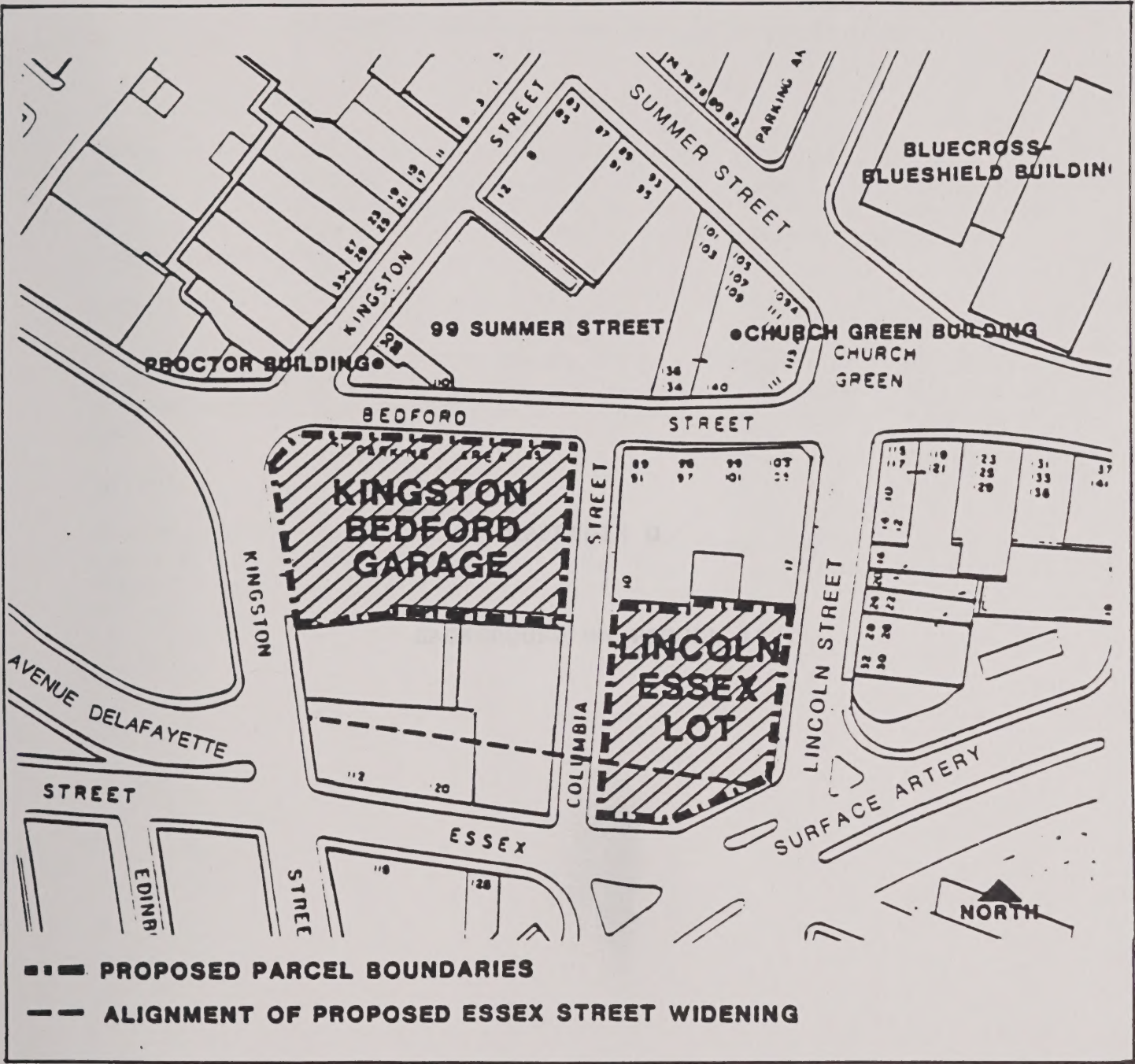
- o assessment of the appropriate number of parking spaces
- o site plan indicating access and egress points
- o presentation of foundation options to suit a garage and the above-ground structure, including a column plan, parking space layout plan, and number of levels above and below grade.

The study will draw on the findings of the Draft Environmental Impact Report (DEIR) for the project. Hence, at this time the guidelines do not specify the exact number of spaces to be included or the access and egress points. The DEIR studies the impacts of 600-car and 800-car garages.

KINGSTON-BEDFORD LEESEX SITE



KINGSTON-BEDFORD/ESSEX SITE



BACKGROUND INFORMATION FOR PARCEL 18

Parcel Description

Parcel 18 is located at the intersection of Parcel 18, Boulevard and Tremont Street, and is bounded on the south by Ruggles Street. The parcel was created by the planning for the Southwestern Corridor Transit system, which produced a 4.6 acre (200,000 sq ft) parcel directly adjacent to the new Ruggles Street Station.

Ownership

The parcel is owned by the Massachusetts Bay Transit Authority and the City of Boston. The parcel will be disposed of through a cooperative agreement between both bodies with the Boston Redevelopment Authority acting as the agent.

Parking

At this time, the guidelines do not specify the exact number of parking spaces to be provided on Parcel 18. The Draft Environmental Impact Report (DEIR) studies the impacts of 500-7,000 car spaces.

APPENDIX D

BACKGROUND ON PARCEL 18

BACKGROUND INFORMATION FOR PARCEL 18

Parcel Description

Parcel 18 is located at the intersection of Melnea Cass Boulevard and Tremont Street, and is bounded on the south by Ruggles Street. The parcel was created by the planning for the Southwest Corridor Transit System, which produced a 5.6 acre (245,000 s.f.) parcel directly adjacent to the new Ruggles Street Station.

Ownership

The parcel is owned by the Massachusetts Bay Transit Authority and the City of Boston. The parcel will be disposed of through a cooperative agreement between both bodies with the Boston Redevelopment Authority acting as the agent.

Parking

At this time, the guidelines do not specify the exact number of parking spaces to be provided on Parcel 18. The Draft Environmental Impact Report (DEIR) studies the impacts of 500-1,200 car garages.

AFFORDABILITY STANDARDS

The following schedules will be used as guides for determining the low- and moderate-income housing generated by development plans. Please refer to the project guidelines where appropriate to determine the number of affordable units and the range of eligibility your development plans must include for approval.

Affordable rents and purchase prices are those which are affordable to a "low" or "moderate" income household paying no more than 30% of their adjusted gross income in rent (including utilities) or mortgage (inclusive of principal, interest, taxes, property insurance, mortgage insurance and condominium fees). Federal regulations for the Department of Housing and Urban Development define these income categories as follows:

- "Low-income" = less than 50% of the Boston SMSA median family income.
- "Moderate-income" = 50-80% of the Boston SMSA median family income.
- "Upper Moderate-income" = 80-100% of the Boston SMSA median family income.

APPENDIX E

In general, units built to meet the Boston Redevelopment Authority's affordability requirements must be low- and moderate-income units unless the City of Boston specifically requires a higher income unit in a particular project (e.g., Request for Proposals, etc.) or in circumstances where developers can demonstrate a specific neighborhood need for a different unit mix.

AFFORDABILITY STANDARDS

The following guide converts the number of persons per household into an appropriate unit size, i.e., number of bedrooms:

Maximum Family Size	Number of Bedrooms
1	0 (studio)
1-2	1
2-3	2
3-4	3
4-5	4
5-7	5

* Please note that public agencies use 90% and 80% of the SMSA (Standard Metropolitan Statistical Area) median income as guidelines because the median income of Boston residents is significantly lower than that in the SMSA. The median income for Boston families in 1991 was only \$16,082 compared to the SMSA median of \$22,843 according to the U.S. Census. (The SMSA includes many higher income communities from the Greater Boston Area.) Income eligibility limits vary by family size. Attached is a page that lists the income limits for the City of Boston by category and the maximum monthly housing expense acceptable under their guidelines.

AFFORDABILITY STANDARDS

The following schedules will be used as guides for determining the low- and moderate-income housing generated by development plans. Please refer to the project guidelines where appropriate to determine the number of affordable units and the range of eligibility your development plans must include for approval.

Affordable rents and purchase prices are those which are affordable to a "low" or "moderate" income household paying no more than 30% of their adjusted gross income to rent (including utilities) or mortgage (inclusive of principal, interest, taxes, property insurance, mortgage insurance and condominium fees). Federal regulations for the Department of Housing and Urban Development define these income categories as follows:

"Low-income" = less than 50% of the Boston SMSA median family income.

"Moderate-income" = 50-80% of the Boston SMSA* median family income.

"Upper Moderate-Income" = 80%-110% of the Boston SMSA median family income.

In general, units built to meet the Boston Redevelopment Authority's affordability requirements must be two and three bedroom units unless the City of Boston specifically sets a different standard in a planning document (e.g., Request for Proposals, etc.) or in circumstances where developers can demonstrate a specific neighborhood need for a different unit mix.

The following guide converts the number of persons per household into an appropriate unit size, i.e., number of bedrooms:

Maximum Family Size

Number of Bedrooms

1	0 (studio)
1-2	1
2-4	2
3-5	3
4-6	4
5-7	5

* Please note that public agencies use 50% and 80% of the SMSA (Standard Metropolitan Statistical Area) median income as guidelines because the median income of Boston residents is substantially lower than that in the SMSA. The median income for Boston families in 1980 was only \$16,062 compared to the SMSA median of \$22,813 according to the U.S. Census. (The SMSA includes many higher income communities from the Greater Boston Area.) Income eligibility limits vary by family size. Attached is a page that lists the income limits for the City of Boston by category and the maximum monthly housing expense acceptable under these guidelines.

AFFORDABLE HOUSING - DEFINITIONS AND GUIDELINES(1)

<u>Family Size</u>	<u>Low Income (Up to 50% of Median)</u>	<u>Maximum Monthly Housing Expense(2)</u>
1	\$13,090	\$ 327 @ 30% GMI
2	14,960	374
3	16,830	421
4	18,700	468
5	19,870	497
6	21,040	526
7	22,210	555
8	23,375	584

<u>Family Size</u>	<u>Moderate Income (50% to 80% of Median)</u>	<u>Maximum Monthly Housing Expense(2)</u>
1	\$20,950	\$524 @ 30% GMI
2	23,900	598
3	26,900	673
4	29,900	748
5	31,750	794
6	33,650	841
7	35,500	888
8	37,400	935

<u>Family Size</u>	<u>Upper Moderate Income (80% to 110% of Median)</u>	<u>Maximum Monthly Housing Expense(2)</u>
1	\$28,800	\$ 720 @ 30% GMI
2	32,910	823
3	37,025	926
4	41,140	1,029
5	43,710	1,093
6	46,285	1,157
7	48,855	1,221
8	51,425	1,286

(1) Effective January 16, 1987.

(2) Maximum monthly housing cost as a percent of gross monthly income. In calculating possible purchase prices, this amount must include principal, interest, taxes, mortgage insurance, property insurance and any relevant condominium fees. In calculating possible rents, this amount must also include utilities cost.

Various financing subsidies use different guidelines for the allowable percent of monthly income. Adjust calculations accordingly. For example, MHFA allows between 28% to 31% of a family's gross monthly income as their maximum allowable monthly housing expense. This range depends upon the corresponding tax exempt bond requirement. The Massachusetts Housing Partnership (MHP) Homeownership Opportunity Program (HOP) allows up to 28% of gross monthly income for housing expense. Federal subsidized rental housing programs allow up to 30% of gross monthly income for housing expense. State subsidized rental housing programs allow up to 25% of gross monthly income for housing expense.)

COMMERCIAL DEVELOPMENT FORM

TOTAL LAND SQUARE FOOTAGE _____

TOTAL GROSS SQUARE FOOTAGE _____

Office _____

Retail _____

Other (please specify) _____

Parking (if applicable) _____

TOTAL NET SQUARE FOOTAGE _____

Office _____

Retail _____

Other (please specify) _____

RESIDENTIAL DEVELOPMENT FORM

TOTAL LAND SQUARE FOOTAGE _____

TOTAL GROSS SQUARE FOOTAGE _____

Apartment _____

No. Units _____

Parking _____

Other (Specify) _____

APPENDIX F

DEVELOPMENT AND OPERATING PRO FORMAS

VERTICAL DEVELOPMENT FORM

FORM OF ORGANIZATION _____

(Partnership, Corporation, Cooperative)

TOTAL LAND SQUARE FOOTAGE _____

TOTAL UNITS _____

No. of Units _____

Single _____

1 Bed _____

2 Bed _____

Other _____

Parking _____

TOTAL GROSS SQUARE FOOTAGE _____

Average Unit Size _____

Single _____

1 Bed _____

2 Bed _____

Other _____

Parking _____

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

COMMERCIAL DEVELOPMENT PROGRAM

TOTAL LAND SQUARE FOOTAGE _____

TOTAL GROSS SQUARE FOOTAGE _____

Office _____
Retail _____
Other (please specify) _____
Parking (if applicable) _____

TOTAL NET SQUARE FOOTAGE _____

Office _____
Retail _____
Other (please specify) _____

HOTEL DEVELOPMENT PROGRAM

TOTAL LAND SQUARE FOOTAGE _____

TOTAL GROSS SQUARE FOOTAGE _____

Hotel GSF _____
No. Rooms _____
Parking _____
No. Spaces _____

RESIDENTIAL DEVELOPMENT PROGRAM

FORM OF OWNERSHIP
(Rental, Condominium, Cooperative) _____

TOTAL LAND SQUARE FOOTAGE _____

TOTAL UNITS _____

Mix of Units
Studio _____
1 Bed _____
2 Bed _____
Other _____

PARKING _____ spaces

TOTAL GROSS SQUARE FOOTAGE _____ GSF _____ NSF

Average Unit Size
Studio _____ GSF _____ NSF
1 Bed _____ GSF _____ NSF
2 BED _____ GSF _____ NSF
Other _____ GSF _____ NSF

Parking _____ GSF

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

COMMERCIAL DEVELOPMENT PRO FORMA

(Estimates in 19__ Dollars)

TOTAL HARD COSTS

\$ _____

Rehabilitation (\$_____/GSF) \$ _____
New Construction (\$_____/GSF) _____
Parking (\$_____/space) _____
Site Improvements (\$_____/LSF) _____
Tenant Improvements _____
Office \$_____/NSF _____
Retail \$_____/NSF _____

TOTAL SOFT COSTS

\$ _____

Architect/Engineering _____
Marketing/Brokerage/Advertising _____
Developer's Fee _____
Legal _____
Permits & Fees (specify) _____
Construction Loan Interest _____
(__ mos. @ __% on average
balance of \$_____) _____
Financing Fees (specify) _____
Real Estate Taxes and Linkage
during Construction (__ mos.) _____
Lease Payment * _____
Other Related Costs _____
(specify) _____

CONTINGENCY (__% of hard costs)

\$ _____

TOTAL DEVELOPMENT COST

\$ _____

Soft Costs as % Hard Costs _____
Soft Costs as % Total Development Cost _____
Total Development Cost/GSF _____

* If applicable

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

COMMERCIAL OPERATING PRO FORMA
(Carry out of 10 years and indicate inflation factor)

COMMERCIAL INCOME

Office (_____ NSF @ \$ _____ /NSF) \$ _____
Retail (_____ NSF @ \$ _____ /NSF) _____
Parking (attach parking rate structure) _____
Other (_____ NSF @ \$ _____ /NSF) _____

POTENTIAL GROSS INCOME \$ _____

VACANCY (_____ %) \$ (_____)

EFFECTIVE GROSS INCOME \$ _____

OPERATING EXPENSES

Office (\$ _____ /NSF) \$ _____
Retail (\$ _____ /NSF) _____
Parking (\$ _____ /space) _____
Other (\$ _____ /NSF) _____
TOTAL \$ (_____)

REAL ESTATE TAXES

Office (\$ _____ /NSF) \$ _____
Retail (\$ _____ /NSF) _____
Parking (\$ _____ /space) _____
Other (\$ _____ /NSF) _____
TOTAL \$ (_____)

LINKAGE PAYMENTS \$ (_____)

NET OPERATING INCOME \$ _____

DEBT SERVICE (_____ % on \$ _____ for _____ years) \$ (_____)

CASH FLOW \$ _____

EQUITY PARTICIPATION (if applicable) \$ _____

RETURN ON EQUITY (year of operations 19__) _____ %
(Before Tax Cash Flow/Equity)

RETURN ON TOTAL DEVELOPMENT COST (year of operations 19__) _____ %
(Net Operating Income/Total Development Cost)

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

HOTEL DEVELOPMENT PRO FORMA
(Estimates in 19__ Dollars)
Using __% Inflation Factor from 19__)

TOTAL HARD COSTS \$ _____

Hotel (\$____/NSF) _____
per room (\$____/room) _____
Parking (\$/space) _____
Site Costs (\$____/GSF) _____
Office (\$____/GSF) _____
Retail (\$____/GSF) _____
Other (specify) _____

TOTAL SOFT COSTS \$ _____

Architect/Engineering _____
Legal _____
Accounting _____
Marketing/Brokerage _____
Financing Fees (specify) _____
Developer's Fee _____
Construction Loan Interest _____
(__ Mos __% on average balance of \$ _____)
Land Lease Payment * _____
Real Estate Taxes and Linkage _____
Other Related Fees (specify) _____

HOTEL START-UP \$ _____

Furniture, Fixtures & Equipment _____
Initial Invent. & Working Capital _____
Pre-Opening & Opening Costs _____

TOTAL START-UP COSTS \$ _____

CONTINGENCY COSTS (__% of Hard Costs) \$ _____

TOTAL DEVELOPMENT COSTS \$ _____

Soft Costs as % Hard Costs _____
Soft Costs as % TDC _____

* If applicable

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

HOTEL OPERATING PRO FORMA
(Carry out 10 years and include inflation factor)

ROOMS

Available _____
Average Occupancy (_____ %) _____
Average Rate (\$ _____) \$ _____

REVENUE

Rooms \$ _____
Food & Beverage _____
Telephone _____
Rentals _____
Parking _____
Other _____

TOTAL GROSS REVENUE \$ _____
Vacancy _____
EFF. GROSS REVENUE (\$ _____)

EXPENSES

Food & Beverage Costs \$ _____
Payroll & Related _____
Telephone _____
Other Expenses _____
Linkage Payment _____

TOTAL ALLOCATED EXPENSES (\$ _____)

UNALLOCATED EXPENSES

Admin. & General \$ _____
Management Fee _____
Marketing _____
Energy Costs _____
Property & Maintenance _____
Franchise Fees _____
Guest Entertainment _____
Replacement Reserves _____

TOTAL UNALLOCATED EXPENSES (\$ _____)
TOTAL EXPENSES (\$ _____)

PROPERTY TAXES & OTHER
MUNICIPAL CHARGES (specify) (\$ _____)

INSURANCE ON BUILDING
AND CONTENTS (\$ _____)

NET OPERATING INCOME \$ _____

DEBT SERVICE _____ % on \$ _____ for _____ yrs. (\$ _____)

BEFORE TAX CASH FLOW \$ _____

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

HOTEL OPERATING PRO FORMA continued
(Carry out 10 years and include inflation factor)

EQUITY PARTICIPATION (if applicable) \$ _____

RETURN ON EQUITY (year of operations 19__) _____ %
(Before Tax Cash Flow/Equity)

RETURN ON TOTAL DEVELOPMENT COST _____ %
(Year of operations 19__)
(Net operating Income/Total Development Cost)

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

RESIDENTIAL CONDOMINIUM DEVELOPMENT PRO FORMA

(Estimates in 19__ Dollars)

(Provide phased information where necessary)

TOTAL HARD COSTS \$ _____

Condominium Units (\$ _____/GSF) \$ _____
Unit Finishes (\$ _____/NSF) _____
Condominium Parking (\$ _____/GSF) _____
(# of spaces) _____
Site Costs (\$ _____/GSF) _____
Premium Costs (\$ _____/GSF) _____
Other (specify) _____

TOTAL SOFT COSTS \$ _____

Architect/Engineering _____
Marketing/Brokerage/Advertising _____
Developer's Fee \$ _____
Legal _____
Permits & Fees (specify) _____
Construction Period Costs _____
Construction Loan Interest
(_____ mos. @ _____ % on
average balance of
\$ _____) _____
Financing Fees _____
Real Estate Taxes and Linkage
during Construction (_____ mos.) _____

Sales Period Costs \$ _____
Loan Interest
(_____ mos. @ _____ % on
average balance of
\$ _____) _____
Sale Period Real Estate Taxes
(_____ mos.) _____
Sale Period Operating Expenses _____
Other (specify) _____
Other Related Costs (specify) \$ _____

CONTINGENCY (_____ % of \$ _____) \$ _____

TOTAL CONDOMINIUM DEVELOPMENT COSTS \$ _____

Soft Costs as % Hard Costs _____
Soft Costs as % TDC _____

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

CONDOMINIUM SALES PRO FORMA
(Estimates in 19__ Dollars)
(Using __% inflation factor from 19__)

CONDOMINIUM UNITS

Gross Sales Proceeds \$ _____
Gross Condominium Sales/NSF \$ _____
Less Total Condominium Units Development Cost (_____)
Total Condominium Units Cost/NSF \$ _____

Net Profit (Before Taxes) _____
Return on Gross Sales Proceeds _____ %
(Net Profit/Gross Sales Proceeds)

CONDOMINIUM PARKING SPACES

Gross Sales Proceeds \$ _____
Gross Parking Sales/Space \$ _____
Less Total Condominium Parking Development Cost (_____)
Total Parking Cost/Space \$ _____

Net Profit (Before Taxes) \$ _____
Return on Gross Sales Proceeds _____ %
(Net Profit/Gross Sales Proceeds)

TOTAL SALES

Total Condominium Gross Sales Proceeds \$ _____
Less Total Condominium Development Costs (_____)

Net Profit (Before Taxes) \$ _____
Total Return on Gross Condominium Sales Proceeds _____ %
(Net Profit/Total Gross Sales Proceeds)

Return on Equity _____ %
Equity Participation (Amount and % of
Total Condominium Cost) \$ _____ (_____ %)

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

CONDOMINIUM COST OF OWNERSHIP PRO FORMA
(Estimates in 19__ Dollars)
(Use __% inflation factor from 19__)

Number of Units _____

Average Unit Size (NSF) _____

Average Unit Price \$ _____

Average Downpayment \$ _____ (__%)

Studio _____
1 Bed _____
2 Bed _____
Other _____

	<u>Market</u>	<u>Subsidized</u>
Annual Common Area Charges (\$_____/NSF)	\$ _____	\$ _____
Annual Real Estate Taxes (\$_____/NSF)	_____	_____
Annual Mortgage Payment (__% on \$_____ for ____ years)	_____	_____
Annual Service Charges (please specify membership fees, special services, etc.)	_____	_____
Total Annual Cost of Ownership (Before-tax)	_____	_____
Total Monthly Cost of Ownership (Before-tax)	_____	_____

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

DEVELOPMENT PRO FORMA FOR RESIDENTIAL RENTAL PROPERTY

(Estimates in 19__ Dollars

Using ____% Inflation Factor from 19__)

RESIDENTIAL UNITS

Number of Residential Units _____

Mix of Units

1 Bed _____
2 Bed _____
Other _____

Average Unit Size (GSF, NSF)

1 Bed _____
2 Bed _____
Other _____

Number of Parking Spaces _____

SQUARE FOOTAGE

Residential GSF _____
Parking GSF _____
TOTAL GSF _____

ACQUISITION

\$ _____

CONSTRUCTION COSTS

Rehabilitation (\$_____/GSF)
New Construction (\$_____/GSF)
Parking (\$_____/space)
Site Improvements (\$_____/Land SF)
Other _____
TOTAL _____

\$ _____

\$ _____

RELATED COSTS

\$ _____

Architect/Engineering
Marketing/Brokerage
Developer Fees
Miscellaneous Fees
(Legal, Acctg. Ins., Title)
Construction Loan Interest
(__ mos. @ __% with average balance of
\$_____)
Financing Fees (specify)
Other Related Costs
(please specify)

TOTAL

\$ _____

CONTINGENCY (____% of \$ _____)

\$ _____

TOTAL DEVELOPMENT COST (TDC)

\$ _____

Project _____
Developer _____

Date _____
Tel. #/Contact Person _____

OPERATING PRO FORMA FOR RESIDENTIAL RENTAL PROPERTY
(Carry out 10 years and indicate inflation factor)

RENTAL INCOME

Rent/Month

1 Bed _____
2 Bed _____
Other _____

TOTAL RESIDENTIAL INCOME \$ _____

PARKING INCOME (attach parking rate structure) \$ _____

MISCELLANEOUS INCOME (e.g., Laundry) \$ _____

POTENTIAL GROSS INCOME \$ _____

VACANCY (____%) (\$ _____)

EFFECTIVE GROSS INCOME \$ _____

OPERATING EXPENSES

Residential (\$_____/NSF) \$ _____

Parking (\$_____/space) _____

TOTAL OPERATING EXPENSES (\$ _____)

REAL ESTATE TAXES

Residential (\$_____/NSF) \$ _____

Parking (\$_____/space) _____

TOTAL REAL ESTATE TAXES (\$ _____)

BRA BASE RENT * (\$ _____)

NET INCOME AVAILABLE FOR DEBT SERVICE \$ _____

FINANCING **

Debt Service (____% on \$_____ for ____yrs.) (\$ _____)

CASH FLOW \$ _____

EQUITY PARTICIPATION (if applicable)

(Amount and % of Total Development Cost) \$ _____

RETURN ON EQUITY

(Cash Flow/Equity) _____%

RETURN ON TOTAL DEVELOPMENT COST

(Net Income Available/Total Development Cost) _____%

* If applicable

** Specify type and priority of repayment

WBE AND WBE DISCLOSURE FORM

Name of business

Type of business

Years in business

Where certified? Please enclose copy of certification letter

Date of certification

Services to be rendered on project

Estimated dollar amount of services to be rendered

Projected percentage of total contract services

To date, how many WBEs have been related to this project

Is this firm affiliated with any other firm?

Have you ever been convicted of a crime? Please give details.

APPENDIX G

MINORITY BUSINESS ENTERPRISE

DISCLOSURE FORM

MBE AND WBE DISCLOSURE FORM

Name of business

Type of business

Years in Business

SOMWBA certified? Please enclose copy of certification letter

Date of certification

Services to be rendered on project

Projected dollar amount of services to be rendered

Projected percentage of total project services

To date, has firm provided services related to this project

Is this firm affiliated with principals of team

Have you contracted previously with this firm? Please give details.

DEVELOPER'S STATEMENT FOR PUBLIC DISCLOSURE

(Developer must submit this statement for any unit by an individual or partnership of two or more persons who are not licensed real estate brokers or salespersons.)

A. DEVELOPER'S INFORMATION

1. a. Name of Developer

b. Address and ZIP Code of Developer

2. The land on which the Residential Development is located is a parcel of land of approximately _____ acres, more or less, located in _____, _____, _____.

3. The City of _____, _____, _____ is described as follows:

APPENDIX H

HUD-6004 PUBLIC DISCLOSURE FORM

1. Name the project as follows:

B. RESIDENTIAL DEVELOPMENT INFORMATION

1. Name the Developer's address as follows:

- a. Total cost of the residential development _____
- b. Total cost of the residential development _____
- c. Total cost of the residential development _____
- d. Total cost of the residential development _____

2. a. If the proposed residential development is located on a parcel of land of approximately _____ acres, more or less, located in _____, _____, _____, the monthly rental of the units is as follows:

TYPE AND SIZE OF DWELLING UNIT	MONTHLY RENTAL	NUMBER OF UNITS
_____	_____	_____
_____	_____	_____

¹ If space on this form is insufficient for additional information, it should be supplied on an attached page, clearly labeled as such.

² All measurements of land area should be in acres, rounded to the nearest hundredth of an acre. If the land area is less than one acre, it should be in square feet, rounded to the nearest square foot.

REDEVELOPER'S STATEMENT FOR PUBLIC DISCLOSURE¹

(Redevelopment or rehabilitation for any use by an individual or two persons as joint owners when the reuse value is under \$30,000).

A. REDEVELOPER AND LAND

1. a. Name of Redeveloper:

b. Address and ZIP Code of Redeveloper:

2. The land on which the Redeveloper proposes to enter into a contract for, or understanding with respect to, the purchase or lease of land from

(Name of Local Public Agency)

(Name of Urban Renewal or Redevelopment Project Area)

in the City of _____, State of _____,
is described as follows:²

3. State the reuse value \$ _____.

B. RESIDENTIAL REDEVELOPMENT OR REHABILITATION

1. State the Redeveloper's estimates, exclusive of payment for the land, for:

a. Total cost of the residential redevelopment	\$
b. Cost per dwelling unit of the residential redevelopment	\$
c. Total cost of the residential rehabilitation	\$
d. Cost per dwelling unit of the residential rehabilitation	\$

2. a. If the proposed redevelopment or rehabilitation is for more than one dwelling unit, state the Redeveloper's estimate of the monthly rental (if to be rented) or average sale price (if to be sold) of the dwelling units involved:

<u>TYPE AND SIZE OF DWELLING UNIT</u>	<u>ESTIMATED MONTHLY RENTAL</u>	<u>ESTIMATED SALE PRICE</u>
	\$	\$

¹ If space on this form is inadequate for any requested information, it should be furnished on an attached page which is referred to under the appropriate numbered item on the form.

² Any convenient means of identifying the land (such as block and lot numbers of street boundaries) is sufficient. A description by metes and bounds or other technical description is acceptable, but not required.

b. State the utilities and parking facilities, if any, included in the foregoing estimates of rentals:

c. State equipment, such as refrigerators, washing machines, air conditioners, if any, included in the foregoing estimates of sales prices:

CERTIFICATION

I (We) ¹ _____
 certify that this Redeveloper's Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.²

Dated: _____

Dated: _____

Signature

Signature

Title

Title

Address and ZIP Code

Address and ZIP Code

¹ If the Redeveloper consists of two or more persons jointly (including tenants by the entirety), this statement must be signed by each of them.

² **Penalty for False Certification:** Section 1001, Title 18, of the U.S. Code, provides a fine of not more than \$10,000 or imprisonment of not more than five years, or both, for knowingly and willfully making or using any false writing or document, knowing the same to contain any false, fictitious or fraudulent statement, or entry in a matter within the jurisdiction of any Department of the United States.

5. Names, addresses and ZIP Codes of bank references.

6. Has the Redeveloper been adjudged bankrupt, either voluntary or involuntary, within the past 10 years?

If Yes, give date, place, and under what name.

☐ YES

☐ NO

7. a. Does any member of the governing body of the Local Public Agency to which the accompanying bid or proposal is being made or any officer or employee of the Local Public Agency, who exercises any functions or responsibilities in connection with the carrying out of the project under which the land covered by the Redeveloper's proposal is being made available, have any direct or indirect personal interest in the Redeveloper or in the redevelopment or rehabilitation of the property upon the basis of such proposal?

☐ YES

☐ NO

If Yes, explain.

b. Does any member of the governing body of the locality in which the Urban Renewal Area is situated or any other public official of the locality, who exercises any functions or responsibilities in the review or approval of the carrying out of the project under which the land covered by the Redeveloper's proposal is being made available, have any direct or indirect personal interest in the Redeveloper or in the redevelopment or rehabilitation of the property upon the basis of such proposal?

☐ YES

☐ NO

If Yes, explain.

CERTIFICATION

I (We)¹ _____
certify that this Redeveloper's Statement of Qualifications and Financial Responsibility and the attached evidence of Redeveloper's qualifications and financial responsibility, including financial statements, are true and correct to the best of my (our) knowledge and belief.²

Dated: _____

Dated: _____

Signature

Signature

Title

Title

Address and ZIP Code

Address and ZIP Code

¹ If the Redeveloper consists of two or more persons jointly (including tenants by the entirety), this statement must be signed by each of them.

² **Penalty for False Certification:** Section 1001, Title 18, of the U.S. Code, provides a fine of not more than \$10,000 or imprisonment of not more than five years, or both, for knowingly and willfully making or using any false writing or document, knowing the same to contain any false, fictitious or fraudulent statement, or entry in a matter within the jurisdiction of any Department of the United States.

REDEVELOPER'S STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

(Redevelopment or rehabilitation for any use by an individual or two persons as joint owners when the reuse value is under \$30,000)

(For confidential official use of the Local Public Agency and the Department of Housing and Urban Development.
Do Not Transmit to HUD Unless Requested.)

1. a. Name of Redeveloper:

b. Address and ZIP Code of Redeveloper:

2. The land on which the Redeveloper proposes to enter into a contract for, or understanding with respect to, the purchase or lease of land from

(Name of Local Public Agency)

in _____
(Name of Urban Renewal or Redevelopment Project Area)

in the City of _____, State of _____,
is described as follows:

3. If funds for the development of the land are to be obtained from sources other than the Redeveloper's own funds, a statement of the Redeveloper's plan for financing the acquisition and development of the land:

4. Sources and amount of cash available to the Redeveloper to meet equity requirements of the proposed undertaking and creditors of the Redeveloper:

a. In banks:

NAME, ADDRESS AND ZIP CODE OF BANK

AMOUNT

\$

b. By loans from other:

NAME, ADDRESS AND ZIP CODE OF SOURCE

AMOUNT

\$

c. By sale of readily salable assets:

DESCRIPTION

MARKET VALUE

\$

MORTGAGES OR LIENS

\$

d. List of creditors to whom \$100 or more
is owed

AMOUNT OWED

\$

DISCLOSURE STATEMENT CONCERNING BENEFICIAL INTEREST
REQUIRED BY SECTION 40J OF CHAPTER 7 OF THE GENERAL LAWS

- (1) Location: _____
- (2) Grantor or Lessor: City of Boston _____
- (3) Grantee or Lessee: _____
- (4) I hereby declare, under the penalties of perjury, that the
this names and addresses of all persons who have or will
have a direct or indirect beneficial interest in the above
property are listed below in compliance with the
provisions of Section 40J of Chapter 7 of the General Laws
and that the same are true and correct.

HAVE AND RESIDENCE OF ALL PERSONS WITH SAID BENEFICIAL INTEREST.

APPENDIX I

SECTION 40J PUBLIC DISCLOSURE FORM

- (3) The undersigned does acknowledge and states that none of
the above listed individuals is an official elected or
public officer in the Commonwealth of Massachusetts, nor is
an employee of the State Department of Capital Planning and
Operations.

Signed under the penalties of perjury.

Signed: _____

Date: _____

DISCLOSURE STATEMENT CONCERNING BENEFICIAL INTEREST
REQUIRED BY SECTION 40J OF CHAPTER 7 OF THE GENERAL LAWS

- (1) Location: _____
- (2) Grantor or Lessor: City of Boston
- (3) Grantee or Lessee: _____
- (4) I hereby state, under the penalties of perjury, that the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in the above listed property are listed below in compliance with the provisions of Section 40J of Chapter 7 of the General Laws (see attached Statute).

NAME AND RESIDENCE OF ALL PERSONS WITH SAID BENEFICIAL INTEREST:

- (5) The undersigned also acknowledges and states that none of the above listed individuals is an official elected to public office in the Commonwealth of Massachusetts, nor is an employee of the State Department of Capitol Planning and Operations.

SIGNED under the penalties of perjury.

Signed: _____

Date: _____

